

House of Lords and House of Commons

EXAMINATION OF PETITIONS FOR PRIVATE BILLS

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PRIVATE BILLS

Monday 19 December 2022

Before:

The Examiners of Petitions for Private Bills:

MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of Lords
MR TOM HEALEY, Clerk of Bills, House of Commons

Appearing on the Petition for the BISHOP'S STORTFORD CEMETERY BILL:

MR MUSTAFA LATIF-ARAMESH of BDB Pitmans LLP appeared as the Parliamentary Agent for the Bill.

Appearing on the Petition for the ROYAL ALBERT HALL BILL:

MR DAVID MUNDY of BDB Pitmans LLP appeared as the Parliamentary Agent for the Bill.

There also appeared:

MR TOM McNAMARA, Senior Associate, BDB Pitmans LLP.

Appearing on the Petition for the CITY OF LONDON (MARKETS) BILL:

MR PAUL WRIGHT, Deputy Remembrancer of the City of London, appeared as the Parliamentary Agent for the Bill.

There also appeared:

MR PAUL DOUBLE, Remembrancer of the City of London.

MS KATIE FOSTER, Senior Parliamentary and Constitutional Affairs Counsel, Office of the City Remembrancer.

MR PHILIP SAUNDERS, Parliamentary Affairs Counsel, Office of the City Remembrancer.

MR DAVID WALKER, Senior Legal and Parliamentary Clerk, Winckworth Sherwood.

MR WILLIAM STARK, Officer (Parliamentary Agent's Assistant), Office of the City Remembrancer.

MR MATTHEW BENNETT, Trainee Solicitor, Winckworth Sherwood.

(11:00 am)

1. **MS CHRISTINE SALMON PERCIVAL:** Welcome everyone, and thank you for coming today. We will deal with the Bishop's Stortford Cemetery Bill first, followed by the Royal Albert Hall Bill and the City of London (Markets) Bill. My name is Christine Salmon Percival, as I think most of you know. I will ask my colleague to introduce himself. He is not a familiar face to some of you, because this is his first Examination.

2. **MR TOM HEALEY:** Good morning, I am Tom Healey. I am Clerk of Bills in the House of Commons.

3. **MS CHRISTINE SALMON PERCIVAL:** Let us begin with the Bishop's Stortford Cemetery Bill. I call the Bishop's Stortford Cemetery Bill. I believe Mr Latif-Aramesh will take us through the proof.

4. **MR MUSTAFA LATIF-ARAMESH:** That is right. Good morning. Before I begin, can I check that you have a copy of the folder of exhibits relating to the Bishop's Stortford Cemetery Bill?

5. **MR TOM HEALEY:** We do.

6. **MR MUSTAFA LATIF-ARAMESH:** At tabs A and B you will find e-voucher copies of the *Bishop's Stortford Independent*, which circulates in Bishop's Stortford in Hertfordshire, dated 30 November and 7 December. You will also find at tab B the *Hertfordshire Mercury*, which circulates in Hertfordshire more widely. There are two copies of that, in accordance with the Standing Order dated 1 December and 8 December. As required by the practice direction from July 2022 regarding the use of e-vouchers, we have also included as proof of compliance a letter at tab C which confirms that the notices were placed in those newspapers.

7. I prove that each notice contains a concise summary of the purposes of the Bill. I prove that each notice states that, on and after 4 December, a copy of the Bill may be inspected at a reasonable price at the offices of BDB Pitmans at One Bartholomew Close, London. Copies of the Bill could also be inspected at the two offices of East Herts District Council: in Wallfields, and in Charrington House in Bishop's Stortford. Two further locations were made available: the Bishop's Stortford Town Council offices and the Tourist Information Centre in Bishop's Stortford. Those offices are all in the area of the district promoting this Bill.

8. I prove that each notice also states the time at which objections may be made by submission of a petition to the Office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from agents of the promoters.

9. I prove that each notice is headed by the short title of the Bill and is ascribed with the name of the person responsible for the publication of the notice. I prove that each notice contains the website and contact details of the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons and the contact details for us as the agents of the Bill. I consider that this Standing Order has been complied with.

10. At tab D you will find the affidavit of Victoria Patricia Wilders, which confirms that in respect of the two East Herts District Council offices copies were made available for inspection. Tab E contains the affidavit of James Wilson Parker confirming that Bishop's Stortford Town Council office and the Tourist Information Centre have copies of the Bill available for inspection. In respect of the BDB Pitmans offices, there is an affidavit of Pamela Jean Thompson.

11. Victoria Patricia Wilders, James Wilson Parker and Pamela Jean Thompson, by way of their affidavits, prove that copies of the Bill were made available in the manner and at the offices mentioned in the notices. I consider that this Standing Order has been complied with.

12. **MS CHRISTINE SALMON PERCIVAL:** Could I ask a question, partly out of curiosity? I have not come across the use of affidavits before. Could you explain why, on this occasion, it is done by affidavit rather than by the individual appearing at Examination?

13. **MR MUSTAFA LATIF-ARAMESH:** Under Standing Order 77 of the House of Commons and Standing Order 80 of the House of Lords, affidavits may be submitted during an Examination in support of a compliance. They have been used in this and previous cases to provide assurance that those Standing Orders have been complied with, notwithstanding that the persons involved in those inspection locations are not here today.

14. In respect of the affidavit which confirms that copies of the Bill were made available for inspection at the BDB Pitmans office and, when we get to it, that under Standing Order 39 the relevant deposits were made to government departments, it just so happens that I could also prove them. However, as the person involved was the person sending the emails, we thought that it would be appropriate to include an affidavit on this occasion.

15. **MS CHRISTINE SALMON PERCIVAL:** That is extremely helpful, thank you. I suppose, while not commenting specifically on this Bill—you are absolutely right that affidavits can be submitted under Standing Orders 77 and 80—there will be occasion when the Examiners will wish to probe more fully into the person proving. Therefore, affidavits will not always be the appropriate way of proving, but that does not apply here.

16. **MR MUSTAFA LATIF-ARAMESH:** That is helpful, thank you. In respect of Standing Order 4A, I consider that it has been complied with.

17. I prove that Standing Orders 5 to 9 are not applicable to the Bill.

18. In connection with Standing Order 10, I prove that the Bill is promoted by the council of the district of east Hertfordshire. I prove that the newspaper notices previously drawn to your attention at tabs A and B in the folder of exhibits were duly published in the area of the said local authority, once in each of two consecutive weeks, with an interval of not less than six clear days between the two publication dates, and the second publication date not being later than 11 December. I consider that this Standing Order has been complied with.

19. I prove that Standing Order 10A is not applicable to this Bill.

20. In respect of Standing Order 11, I draw your attention to tab G of the folder of exhibits, which shows that a notice was published in the *London Gazette* on Friday 2 December.

It was published online on 1 December 2022. I prove that each notice was published no later than 11 December 2022.

21. I prove that that notice sets out the short title of the Bill, the time within which objection may be made by submission of a petition to the Office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from the agents for the promoters of the Bill. That notice also confirms the offices at which copies of the Bill may be inspected. They are set out in full in the notice. I consider that this Standing Order has been complied with.

22. I prove that Standing Orders 12 to 18 are not applicable to the Bill.

23. I prove that Standing Order 19 is not applicable to the Bill.

24. I prove that Standing Order 19A is not applicable to the Bill.

25. I prove that Standing Order 19B is not applicable to the Bill.

26. I prove that Standing Order 20 is not applicable to the Bill.

27. I prove that Standing Orders 21 to 25 are not applicable to the Bill.

28. In respect of Standing Order 25A, I prove that it is not applicable to the Bill because it is not promoted by the Greater London Authority, Transport for London, the London Development Agency or a council of a London borough.

29. I prove that Standing Orders 27 to 37 are not applicable to the Bill.

30. In respect of Standing Order 38, I prove that on 28 November I deposited, in accordance with Standing Order 26 and Standing Order 201 of the House of Lords and with Standing Order 209 of the House of Commons, a printed copy of the Bill in the Office of the Clerk of the Parliaments, the Private Bill Office of the House of Commons, and the Vote Office.

31. I prove that there is attached to every copy of the Bill a printed memorandum describing the Bill generally and every clause in the Bill. It also includes a statement of opinion as to the compatibility of the Bill with the convention rights under the Human Rights Act. I consider that Standing Order 38 has been complied with.

32. I draw your attention back to the affidavit at tab F. Mrs Pamela Jean Thompson, by way of her affidavit to be found in that tab, proves that on or before 4 December she deposited electronically, as specified in the appropriate list kept under Standing Order 1A and in accordance with Standing Order 26, copies of the Bill.

33. You will find behind tab H—it might be labelled H1 in your folder of exhibits—a list of notices provided to government departments. Under each tab there are two email chains. One confirms that electronic deposits can be made. The second confirms receipt of the Bill following that confirmation.

34. The list provided under Standing Order 1A makes clear that you should confirm that electronic deposits are acceptable to the relevant department. We have taken the opportunity to confirm that electronic deposits will be appropriate not just for this Bill, but for the future. I wanted to state that on the record.

35. Mrs Pamela Jean Thompson, by way of her affidavit, proves that those deposits are the only deposits required to be made under Standing Order 39. I consider that Standing Order 39 has been complied with.

36. **MS CHRISTINE SALMON PERCIVAL:** Could I ask about the submission of the Bill to Historic England? I notice that in its email it explicitly states that it cannot answer for English Heritage. Can you confirm that English Heritage did not have to receive a copy of the Bill?

37. **MR MUSTAFA LATIF-ARAMESH:** I can confirm that. I should also say that a copy of the Bill was served on Historic England as a precautionary measure, on the basis there may be some memorials in the cemetery that have protections which Historic England would be concerned about. English Heritage did not need to be served separately, and Historic England was served with a copy of the Bill as a precautionary measure.

38. **MS CHRISTINE SALMON PERCIVAL:** Thank you. I should probably point out what is almost certainly self-evident: that it is very sensible of you to have that future-proofing by ensuring that departments are happy to receive bills electronically. For the purposes of a future Examination of a future Bill, however, we will need that original email, so I should keep lots of copies around! Thank you.

39. **MR MUSTAFA LATIF-ARAMESH:** Thank you. In respect of Standing Order 41, I prove that it is not applicable to the Bill.

40. In respect of Standing Orders 45 and 47 through to 59, I prove that they are not applicable to this Bill.

41. **MS CHRISTINE SALMON PERCIVAL:** Did you prove Standing Orders 42 and 43?

42. **MR MUSTAFA LATIF-ARAMESH:** Sorry, I prove that Standing Orders 42 and 43 are not applicable to the Bill.

43. **MS CHRISTINE SALMON PERCIVAL:** You have proved that 44 is not applicable.

44. **MR MUSTAFA LATIF-ARAMESH:** Yes.

45. **MS CHRISTINE SALMON PERCIVAL:** You have proved 45 and 47 to 59. That is marvellous. That is the end of your proof. Thank you very much, Mr Latif-Aramesh. I find that the Standing Orders applicable to this Bill have been complied with.

46. **MR MUSTAFA LATIF-ARAMESH:** Thank you.

47. **MS CHRISTINE SALMON PERCIVAL:** We will now move to the Royal Albert Hall Bill. Good morning, Mr Mundy. Would you like to start?

48. **MR DAVID MUNDY:** Good morning. May I check that you have received the folders with the various exhibits?

49. **MS CHRISTINE SALMON PERCIVAL:** Yes.

50. **MR DAVID MUNDY:** They also contain two affidavits, as well as the documents appearing as exhibits.

51. At tabs A and B of the folder you will find e-vouchers of copies of the following newspapers: the *Times* circulating in the United Kingdom on 1 December 2022, and the same newspaper circulating on 8 December 2022. Those newspapers contain notice of the application for the Bill. As required by the practice direction dated 14 July 2022 regarding the use of e-vouchers as proof of compliance with Standing Orders relating to the content and publication of notices in newspapers, we have also submitted in evidence a letter at tab C from Courts Advertising confirming the authenticity of those e-vouchers.

52. I prove that each notice contains a concise summary of the purposes of the Bill.

53. I prove that each notice states that on and after 4 December 2022 a copy of the Bill may be inspected and copies obtained at a reasonable price at BDB Pitmans LLP, One Bartholomew Close—that is our office—London EC1A 7BL, and at The Stage Door, Royal Albert Hall, Kensington Gore, London SW7 2AP, that being an office in the London borough in which the principal office of the promoters of the Bill is situated.

54. I prove that each notice also states the time within which objections may be made by submission of a petition to the Office of the Clerk of the Parliaments or to the Private Bill Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from the agents for the promoters of the Bill.

55. I prove that each notice is headed by the short title of the Bill and is subscribed with the name of the person responsible for the publication of the notice. I prove that each notice contains the website and contact details of the Office of the Clerk of the Parliaments and of the Private Bill Office of the House of Commons and the contact details of the agents for the promoters. I consider that this Standing Order has been complied with.

56. In relation to Standing Order 4A as to the availability of copies of the Bill, I draw your attention to tabs D and E in the folder of evidence. There you will find affidavits marked severally Susan Jane Gent, in respect of the Corporation of the Hall of Arts and Sciences—that is, the Royal Albert Hall—of Kensington Gore, London SW7 2AP, and of Pamela Jean Thompson in respect of BDB Pitmans LLP, One Bartholomew Close, London EC1A 7BL. Susan Jane Gent and Pamela Jean Thompson, by way of their affidavits, prove that copies of the Bill were made available in the manner and at the offices mentioned in the notices. I consider that this Standing Order has been complied with.

57. In relation to Standing Orders 5 to 9, I prove that they are not applicable to the Bill.

58. In relation to Standing Order 10, I prove that the Bill is not promoted by a local or joint authority and, thus, that these specific publication obligations do not apply here.

59. I prove that the principal office of the Corporation of the Hall of Arts and Sciences promoting the Bill is situated in the London borough of Kensington and Chelsea.

60. I prove that the newspaper notice, to be found at tabs A and B of the evidence folder and previously handed in, was duly published in the area of the said local authority once in each of two consecutive weeks with an interval of not less than six clear days between the two publication dates, the second publication being not later than 11 December 2022. I prove that the several newspaper notices are in the same terms. I consider that this Standing Order has been complied with.

61. I prove that Standing Order 10A is not applicable to the Bill.

62. In relation to Standing Order 11, in the folder of evidence at tab F you will find a copy of the *London Gazette* of Friday 2 December 2022 containing a notice of the Bill published online on Thursday 1 December 2022. I prove that the notice was published not later than 11 December 2022.

63. I prove that the notice states the short title of the Bill and the time within which objection may be made by submission of a petition to the Office of the Clerk of the Parliaments or to the Private Bill Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from the agents for the promoters of the Bill. The offices at which copies of the Bill may be inspected and obtained are mentioned in the notice. I consider that this Standing Order has been complied with.

64. I prove that Standing Orders 12 to 18 are not applicable to the Bill.

65. I prove that Standing Order 19 is not applicable to this Bill.

66. I prove that Standing Order 19A is not applicable to this Bill.

67. I prove that Standing Order 19B is not applicable to the Bill.

68. I prove that Standing Order 20 is not applicable to the Bill.

69. I prove that Standing Orders 21 and 25 are not applicable to the Bill.

70. I prove that Standing Order 25A is not applicable to the Bill, because it is not promoted by the Greater London Authority, Transport for London, the London Development Agency or the council of any London borough.

71. I prove that Standing Orders 27 to 37 are not applicable to the Bill.

72. In relation to Standing Order 38, on the deposit of printed copies of Bills in Parliament, in the Vote Office and the House of Commons Private Bill Office, my colleague Mr Tom McNamara is sitting to my left. Mr McNamara, do you prove that on or before 28 November 2022 you deposited, in accordance with Standing Order 26, Standing Order 201

of the House of Lords and Standing Order 209 of the House of Commons, a printed copy of the Bill in the Office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons and in the Vote Office?

73. **MR TOM McNAMARA:** I do.

74. **MR DAVID MUNDY:** I prove that there is attached to every copy of the Bill a printed memorandum.

75. **MS CHRISTINE SALMON PERCIVAL:** May I interrupt? I think Mr McNamara has to prove that the title of the Bill contains the reference required by House of Lords Standing Order 38(5). Is that right?

76. **MR DAVID MUNDY:** Actually, I do not think that is correct. I am afraid that sentence is there in error. It is not applicable to the Bill, because this is not a Bill to which Standing Order 64 applies; that is the cross-reference from Standing Order 38(5). I am sorry, that should not be there.

77. **MS CHRISTINE SALMON PERCIVAL:** Okay, thank you.

78. **MR DAVID MUNDY:** I prove that there is attached to every copy of the Bill a printed memorandum describing the Bill generally and, subject to Standing Order 38(4), every clause in the Bill. It includes a statement of opinion, by or on behalf of the promoters, as to the compatibility of the provisions of the Bill with the convention rights as defined in the Human Rights Act 1998. I therefore consider that this Standing Order has been complied with.

79. I turn to Standing Order 39, on the deposit of Bills at government departments and public bodies. Mrs Pamela Jean Thompson, by way of her affidavit to be found in the exhibits folder at tab E, proves that on or before 4 December 2022 she deposited electronically, as specified in the appropriate list kept under Standing Order 1A and in accordance with Standing Order 26, copies of the Bill.

80. Evidence of the electronic deposits having been served on and received by the requisite government departments and public bodies can be found in the exhibits folder at tab G. Sub-tabs numbered one to 21 set out the correspondence with the relevant bodies and departments and contain evidence that they gave permission to be served electronically. We heard what you said to Mr Latif-Aramesh in relation to that and have noted it. Thank you.

81. Mrs Pamela Jean Thompson, by way of her affidavit, proves that those deposits are the only deposits required to be made under Standing Order 39. I consider that this Standing Order has been complied with.

82. I note that Standing Order 40 was repealed 1986.

83. I prove that Standing Order 41 is not applicable to the Bill.

84. I prove that Standing Orders 42 and 43 are not applicable to the Bill.

85. I prove that Standing Order 44 is not applicable to the Bill, and I note that Standing Order 46 was repealed in 1990.

86. I prove that Standing Orders 45 and 47 to 59 are not applicable to the Bill.

87. **MS CHRISTINE SALMON PERCIVAL:** Thank you. That concludes the Examination. Many thanks, Mr Mundy. I find that the Standing Orders applicable to this Bill have been complied with.

88. **MR DAVID MUNDY:** Thank you very much.

89. **MR PAUL WRIGHT:** Good morning. I am the Deputy City Remembrancer and the parliamentary agent for this Bill. I am joined by a slightly large cast of characters. To my left is Mr Paul Double, the City Remembrancer. Mr Matthew Bennett is from Winckworth Sherwood. Mr William Stark, Mr Philip Saunders and Ms Katie Foster are all from the Office of the City Remembrancer. On my right is Mr David Walker, the senior parliamentary clerk from Winckworth Sherwood, who act as our parliamentary clerks for these purposes.

90. Before I start, can I check that you have the amended proof that we circulated on Friday? There was a very small typo that we spotted: one of the deposits was listed as having been done electronically, whereas in fact it was done by hand.

91. **MR TOM HEALEY:** We have the amended version, yes.

92. **MR PAUL WRIGHT:** Mr Walker is handing in copies of the following newspapers: the *Times* circulating in the City of London on 30 November and the *Times* circulating in the City of London on 7 December. They are marked severally 1 and 2 and contain notice of the application for the Bill.

93. I note that although under Standing Orders the notice was required to be published in the *Times*—we rely on that as the paper of record—we also published notices in the *London Evening Standard* of 1 and 8 December, the *Docklands & East London Advertiser* of 1 and 8 December and the *Barking & Dagenham Post* of 30 November and 7 December. For completeness, I think you have copies of those and e-vouchers with a letter from the company proving those in accordance with the practice direction. However, as I say, we rely on the *Times* for the purposes of the Standing Orders.

94. Mr Double do you prove that each notice contains a concise summary of the purposes of the Bill?

95. **MR PAUL DOUBLE:** I so prove.

96. **MR PAUL WRIGHT:** I prove that each notice states that on or after 4 December 2022, a copy of the Bill may be inspected and copies obtained at a reasonable price at the office of the City Remembrancer, Guildhall, Gresham Street, London, EC2V 7HH, also being an office in the area of the Corporation, who are promoting the Bill.

97. I prove that each notice also states the time within which objections may be made by submission of a petition to the Office of the Clerk of the Parliaments or the Private Bill

Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from the agents for the promoters.

98. I prove that each notice is headed by the short title of the Bill and is subscribed with the name of the person responsible for the publication of the notice. I prove that each notice contains the website and contact details of the Office of the Clerk of the Parliaments, of the Private Bill Office of the House of Commons and of the agents for the promoters. I consider that this Standing Order has been complied with.

99. Turning to Standing Order 4A, Mr Double, do you prove that copies of the Bill were made available in the manner and at the offices mentioned in the notices?

100. **MR PAUL DOUBLE:** I so prove.

101. **MR PAUL WRIGHT:** I consider that this Standing Order has been complied with. In respect of Standing Orders 5 to 9, I prove that they are not applicable to the Bill.

102. I prove that the Bill is not promoted by a local or joint authority.

103. **MR TOM HEALEY:** The Corporation is legally sui generis, is it not? It has some of the functions of a local authority, but it is not, for our purposes, a local authority.

104. **MR PAUL WRIGHT:** Indeed, that is right. It has local authority functions and acts as the local authority for the City of London. If those functions were being affected it may be a different proof, but Smithfield and Billingsgate markets are held in the City's private capacity.

105. **MR TOM HEALEY:** Thank you.

106. **MR PAUL WRIGHT:** Mr Double, do you prove that the principal office of the Corporation promoting the Bill is situated in the City of London?

107. **MR PAUL DOUBLE:** I so prove.

108. **MR PAUL WRIGHT:** Mr Walker, do you prove that the newspaper notices marked severally 1 and 2 previously handed in were duly published in the area of the said City once in each of two consecutive weeks, with an interval of not less than six clear days between the two publication dates, the second publication being not later than 11 December 2022?

109. **MR DAVID WALKER:** Yes, I do.

110. **MR PAUL WRIGHT:** Do you also prove that the several newspaper notices are in the same terms?

111. **MR DAVID WALKER:** Yes.

112. **MR PAUL WRIGHT:** I consider that Standing Order 10 has been complied with. In respect of Standing Order 10A, I prove that the Standing Order is not applicable to the Bill.

113. On Standing Order 11, Mr Walker, could you produce the *London Gazette* of 1 December 2022 containing a notice of the Bill, please? Mr Walker, do you prove that such notice was published not later than 11 December?

114. **MR DAVID WALKER:** Yes, I do.

115. **MR PAUL WRIGHT:** Mr Double, do you prove that such notice states the short title of the Bill, the time within which objection may be made by submission of a petition to the Office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons, and that information regarding the submission of such petitions may be obtained from either of those offices or from the agents for the promoter?

116. **MR PAUL DOUBLE:** I so prove.

117. **MR PAUL WRIGHT:** I consider that this Standing Order has been complied with. I prove that Standing Orders 12 to 18 are not applicable to the Bill.

118. In respect of Standing Order 19, there are a number of lists of notices. Mr Walker is now handing in lists marked severally A, B, C, D and E, signed by the witnesses and a list marked F with Post Office receipts attached signed by the witness.

119. As there are a number of hand-delivered notices, if it is acceptable, rather than proving individually, I will read the text in the proof and ask them to give their assent.

120. **MR TOM HEALEY:** Yes. We have some questions about Standing Order 19, but we may come back to them at the end of the statement of proofs.

121. **MR PAUL WRIGHT:** Mr Saunders, in respect of list A, Ms Foster, in respect of list C, Mr Stark, in respect of list D, Mr Bennett, in respect of list E and Mr Walker, in respect of list F, do you all prove that on or before 12 December 2022 as regards the list mentioned in respect of your names, you severally gave notice in writing to the parties mentioned in such lists in accordance with the Standing Orders 22 and 24 that stated the intention to apply for a Bill whereby it is proposed to alter or repeal any express statutory provision now in force for the protection of the owner or reputed owner, lessee or reputed lessee or occupier of any specifically designated property, or the protection or benefit of any public trustees or commissioners, corporation or other person, specifically named in such provision. Mr Saunders, do you so prove?

122. **MR PHILIP SAUNDERS:** I do.

123. **MR PAUL WRIGHT:** Ms Foster, do you so prove?

124. **MS KATIE FOSTER:** I do.

125. **MR PAUL WRIGHT:** Mr Stark, do you so prove?

126. **MR WILLIAM STARK:** I do.

127. **MR PAUL WRIGHT:** Mr Bennett, do you so prove?

128. **MR MATTHEW BENNETT:** I do.

129. **MR PAUL WRIGHT:** Mr Walker, do you so prove?

130. **MR DAVID WALKER:** I do.

131. **MR PAUL WRIGHT:** I also do so prove in respect of list B. I should mention that the reference was to 12 December. Two deposits were made on 12 December. Although the Standing Order requires delivery before 11 December, time was extended by virtue of Standing Order 209(1) to the next working day, as 11 December was a Sunday.

132. In addition, there is an annex which describes delivery to two of the members of the Billingsgate Market Consultative Advisory Committee and the steps that were taken to serve them in accordance with the Standing Orders. Would you like me to take you through that, or would you like to come back to that later?

133. **MR TOM HEALEY:** That is an area we had questions on. May we come to that at the end if you finish the Standing Orders first?

134. **MR PAUL WRIGHT:** Mr Walker, do you prove that, in the case of the notices forwarded by post shown in the list marked F, such notices were posted on or before 8 December 2022 and that none of such letters were returned by the Post Office as undelivered?

135. **MR DAVID WALKER:** I do.

136. **MR PAUL WRIGHT:** I prove that the lists marked respectively A, B, C, D, E and F together contain the names of all the persons for the time being entitled to enforce any express statutory provision now in force for the protection of the owner or reputed owner, lessee or reputed lessee or occupier of any specifically designated property, and the protection or benefit of any public trustees or commissioners, corporation or other person specifically named in such provision that is proposed to be altered or repealed, except persons whose identity could not, after reasonable inquiry, be ascertained. I consider that this Standing Order has been complied with.

137. In respect of Standing Order 19A, I prove that it is not applicable to the Bill.

138. I also prove that Standing Order 19B is not applicable to the Bill.

139. I prove that Standing Order 20 is not applicable to the Bill.

140. I prove that Standing Orders 21 and 25 are not applicable to the Bill.

141. For the record, I do not believe that compliance needs to be proved with Standing Orders 22, 23 and 24.

142. I prove that Standing Order 25A is not applicable to the Bill, because it is not promoted by the Greater London Authority, Transport for London, the London Development Agency nor the council of a London borough.

143. For the record, I do not believe that compliance with Standing Order 26 needs to be specifically proved.

144. In respect of Standing Orders 27 to 37, I prove that they are not applicable to the Bill.

145. In respect of Standing Order 38, Mr Walker, do you prove that on 28 November 2022 you deposited in accordance with Standing Order 26, Standing Order 201 of the House of Lords and Standing Order 209 of the House of Commons, a printed copy of the Bill in the Office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons and in the Vote Office?

146. **MR DAVID WALKER:** Yes, I do.

147. **MR PAUL WRIGHT:** I prove that there is attached to every copy of the Bill a printed memorandum describing the Bill generally and, subject to Standing Order 38(4), every clause in the Bill, and including a statement of opinion, by or on behalf of the promoters, as to the compatibility of the provisions of the Bill with the convention rights as defined in the Human Rights Act 1998. I consider that this Standing Order has been complied with.

148. Mr Walker, do you prove that, on or before 5 December 2022, you deposited, as specified in the appropriate list kept under Standing Order 1A and in accordance with Standing Order 26, copies of the Bill? (Standing Order 39)?

149. **MR DAVID WALKER:** I do.

150. **MR PAUL WRIGHT:** The proof contains a table setting out the departments that deposits were made to. For completeness, I mention that the reference to 5 December is again because 4 December was a Sunday and a couple of deposits were made on 5 December. This is in compliance with Standing Order 209. Mr Walker has the email receipts if that would assist you and he will hand those in. I prove that those deposits are the only deposits required to be made under Standing Order 39. I consider that this Standing Order has been complied with.

151. Standing Order 40 was repealed in 1986. I prove that Standing Order 41 is not applicable to the Bill.

152. I prove that Standing Orders 42 and 43 are not applicable to the Bill.

153. I prove that Standing Order 44 is not applicable to the Bill. Standing Order 46 was repealed in 1990.

154. I prove that Standing Orders 45 and 47 to 59 are not applicable to the Bill.

155. **MR TOM HEALEY:** Thank you. As I said earlier, we have some questions about Standing Orders 19 and 22. As you have probably guessed, it is in respect of the two councillors from Tower Hamlets. You have provided us with an extremely helpful account of everything you did to serve notice on them. I will start with the Billingsgate Market Consultative Advisory Committee, a statutory body established under the 1979 Act.

156. Standing Order 22(1)(a) says that where the party is a local authority, company, society association or other body, howsoever constituted, you can serve notice by delivering it to the “proper officer, clerk or secretary”. Am I right in thinking that Billingsgate Market Consultative Advisory Committee does not have a proper officer?

157. **MR PAUL WRIGHT:** I think that is right; it does not have separate legal personality. It is statutory that there are 13 places given to individual nominees on that committee. We had to serve them each individually. In fact, we served 14, as there is one additional person who attends that committee, although he is not technically a member.

158. **MR TOM HEALEY:** Although it is a statutory body, you have had to treat the members of it effectively as private citizens.

159. **MR PAUL WRIGHT:** Yes.

160. **MR TOM HEALEY:** This meant serving notice at their abodes.

161. **MR PAUL WRIGHT:** Yes, or by delivering to them personally.

162. **MR TOM HEALEY:** I can see from the account that you have made every effort to do that. You sent them emails, you went to the council offices and handed it to their executive assistant, you telephoned to confirm that they received it, you sent notice by registered post to what you believed were their home addresses.

163. **MR PAUL WRIGHT:** They were left at the most up-to-date addresses that were available from public sources. Mr Bennett, I think, hand-delivered the notices, but he did not hand them to somebody; he posted them through the letterbox at those addresses.

164. **MR TOM HEALEY:** He went to their houses.

165. **MR PAUL WRIGHT:** They were left at the places of abode.

166. **MR TOM HEALEY:** How confident are you that those addresses are correct?

167. **MR PAUL WRIGHT:** I am more confident of one of them than the other. I suspect that they may not be the most up to date, as one relates to an earlier entry on the electoral register.

168. In respect of Tower Hamlets, we also served the council by post because of its right to nominate the two members to the committee. We delivered them to the executive assistant. We had what we believe was a phone call from one of the councillors, although when I attempted to call back and leave a message, I subsequently had no further response from that person.

169. I consider that we have done everything we could to bring it to their attention. I understand that the executive assistant who spoke to, I think, Ms Foster confirmed that they had handed it over to the councillors themselves. We have done everything we could do in the circumstances to try to ensure that service was delivered.

170. **MR TOM HEALEY:** Under the Act, Tower Hamlets council nominates two members.

171. **MR PAUL WRIGHT:** Correct. They effectively serve as the council's nominees. We served the council by registered post to its principal office.

172. **MR TOM HEALEY:** The council, as the interested party that nominates these two members, has been served in compliance with the Standing Order.

173. **MR PAUL WRIGHT:** Yes, that is correct. It is in absolute compliance.

174. **MR TOM HEALEY:** The only problem is that these two individuals are difficult to track down. But, as you said, you have done everything you reasonably could to deliver the notice.

175. **MR PAUL WRIGHT:** I should say that reason we served notice in respect of this particular provision, because the committee has a statutory right to make representations to the Corporation in respect of Billingsgate market. That is arguably a benefit under Standing Order 19.

176. We made that service out of an excess of caution. It would be possible to argue that anybody can make representations to the Corporation about anything, which does not necessarily mean that a real benefit is being taken away by this particular provision being repealed. It was through an excess of caution that we decided to serve these individuals to ensure full compliance with the Standing Order.

177. **MR TOM HEALEY:** Thank you very much.

178. **MS CHRISTINE SALMON PERCIVAL:** I have a couple of questions, which might be due to my failing to follow all your arguments. Standing Order 22(1)(a) says that you have to serve the notice "personally to the party ... or by leaving it at his usual place of abode".

179. **MR PAUL WRIGHT:** Yes.

180. **MS CHRISTINE SALMON PERCIVAL:** It was not served personally; it was left by posting it through the letterbox of the person's place of abode. However, you are not certain that that place of abode was in fact the correct place of abode.

181. **MR PAUL WRIGHT:** We contacted them to ask if they were prepared to give their address. The initial contact had been to ask them to agree to meet to hand these notices over or to let us have their addresses. We did not get a response, so we relied on the most up-to-date sources that were available.

182. **MS CHRISTINE SALMON PERCIVAL:** My concern—I realise this is not terribly helpful, because you have clearly done everything you possibly could—is that the Standing Orders are quite unforgiving, whereas there is a bit of latitude if you cannot identify the person because they have to be reasonably identifiable. On this occasion, my reading of the Standing Order is that you have to leave it at "his usual place of abode" or serve personally. You are relying on the "leaving it at his usual place of abode".

183. My concern is that you have candidly told us, for which I am grateful, that you are not confident that at least one of the addresses is the place of abode. I am querying how it is possible to prove compliance with that Standing Order in those circumstances.

184. **MR PAUL WRIGHT:** I absolutely understand that. The service of the two councillors was an excess of caution on our behalf to ensure compliance with the Standing Orders. They are nominated by Tower Hamlets, who we were able to serve. They serve as the nominees of Tower Hamlets on that committee, and we were able to serve Tower Hamlets correctly in accordance with the Standing Orders. It was a slightly different position to the other members of the committee, who represent traders and workers in the markets.

185. **MS CHRISTINE SALMON PERCIVAL:** So you are saying that they would have known about this Bill and its implications by a different route.

186. **MR PAUL WRIGHT:** Yes. We served them under Standing Order 19, but there is ongoing discussion with Tower Hamlets Council, which has the right to nominate on this committee because it has a property interest in the site of Billingsgate market by Canary Wharf. Therefore, it is absolutely sighted in respect of the Bill and what we are doing, and, as I understand it, it is supportive of it.

187. There is an ongoing relationship with Tower Hamlets such that it is aware of all these proposals and what the Bill is proposing to do. In respect of the specific details in relation to the advisory committee, it was, as I say, an excess of caution, and in respect of the two individuals I would say that service on the council, which, in accordance with the Standing Order, was served by registered post within the time required by the Standing Order, should be sufficient to say that the Standing Order has been complied with.

188. **MR TOM HEALEY:** So it is not necessary, from your point of view, to serve notice on the two councillors individually if you serve notice on Tower Hamlets council. It is the interested party for these purposes.

189. **MR PAUL WRIGHT:** Yes. It was an excess of caution to serve everybody on the committee. The councillors are the nominees, in the same way in which we have served our own councillors who are members, and our own members of staff who are on the committee, so we served them as well. Did we actually need to serve our own staff? My argument would be that we have complied sufficiently with the Standing Order because we have served the nominating body. They are clearly there are representatives of the council on that committee.

190. **MR TOM HEALEY:** Thank you.

191. **MS CHRISTINE SALMON PERCIVAL:** I have two questions, one of which is possibly a repeat, so my apologies in advance.

192. First, the list of efforts—the various things you did in order to try to secure service—gives the impression that perhaps you had not got as much co-operation as you were hoping for. Was there a reason for that?

193. **MR PAUL WRIGHT:** That I cannot answer, I am afraid. We did not get as much co-operation as we were hoping for. We were perfectly happy to turn up anywhere and hand these things over, and we tried on numerous occasions to make sure that that could happen.

194. **MS CHRISTINE SALMON PERCIVAL:** Going back to the question I asked a moment ago, we have to accept at face value that you took the view that you should serve these two people, and having taken that decision, which we have to accept was the correct decision, they were then not served personally, and there is some uncertainty about whether they were served by leaving the document at their place of abode.

195. I am still a bit unclear how that can enable you to assert compliance. I can see that you tried extremely hard, but the Standing Order is, as I have said, quite unforgiving in that respect. In those circumstances, are you confident that you can say that the Standing Order has been complied with?

196. **MR PAUL WRIGHT:** Such as the Standing Order is required to be complied with in this case. As I say, my position is that this was an excess of caution. In respect of those particular councillors, we served the council, and that is the basis on which I assert that the Standing Order was complied with. I accept that we did not serve personally on these two individuals.

197. **MR TOM HEALEY:** From your point of view, the service on the council constitutes compliance with the Standing Order, regardless of whether you managed to track down the individual councillors who, for the time being, are nominated to the advisory consultative committee.

198. **MR PAUL WRIGHT:** Yes.

199. **MR TOM HEALEY:** Thank you. Could we have a moment or two to deliberate in private? I will ask you to leave the room and we will call you back in, I hope, a few minutes' time. Thank you.

The Examiners adjourned for deliberation from 11:55 am to 12:10 pm.

196. **MR TOM HEALEY:** Thank you everybody, and sorry to keep you waiting outside while we discussed this issue. Christine has one further question.

197. **MS CHRISTINE SALMON PERCIVAL:** One last question, if I may. Standing Order 22(3) specifies a requirement in relation to the service of a notice and says that: "Every such notice shall be accompanied by a copy of the standing orders which regulate the time and mode of presenting petitions in opposition to bills". That does not, I believe, appear in the proof. Are you able to say that that actually happened?

198. **MR PAUL WRIGHT:** Yes

199. **MS CHRISTINE SALMON PERCIVAL:** Lovely. Thank you.

200. **MR TOM HEALEY:** Good, thank you. Thank you for your statement of proofs and for the exhaustive account you have given of the attempts of notice on the two councillors.

201. I find that, with the exception of Standing Order 19, the Standing Orders applicable to the Bill have been complied with.

202. I find that Standing Order 19 has not been complied with. I realise that that is a disappointing finding for you, particularly in view of the very substantial efforts you have made, and it is difficult to see what more you could have done. I realise that it will be frustrating to have gone through all these processes to comply with the Standing Orders, but, as we have said, the Standing Orders are very unforgiving. We have no authority to dispense with them, so we will refer this to the Standing Orders Committee. We will do everything we can to convene a meeting of that committee as soon as we can. Obviously it will not be this side of the Christmas Recess, but it will be as early as possible in the new year to avoid any further delay, and I am sure it will be able to deal with this particular anomaly pretty expeditiously once we have managed to convene a meeting.

203. I am sorry to send you away with some disappointing news, but thank you very much, unless you have any questions for us.

204. **MR PAUL WRIGHT:** No questions, thank you very much.

205. **MR TOM HEALEY:** Thank you everybody for coming along this morning. It only remains for us to wish you a very merry Christmas and a happy new year, and we look forward to seeing you again in the new year, when hopefully we can get things moving as quickly as we can.

206. **MR PAUL WRIGHT:** And best wishes from us as well. Thank you very much.

The committee adjourned at 12:13 pm.