



## PRIVATE BILL PROCESS IN THE SCOTTISH PARLIAMENT: AN INTRODUCTION

### WHAT IS A PRIVATE BILL?

A Private Bill is a Bill introduced by an individual person, a body corporate or an unincorporated association of persons (known as "the Promoter"). Private Bills involve measures sought in the private interests of the promoter, to which others may object in a private capacity ("the objectors"). Private Bills are used to obtain powers or benefits which are otherwise in excess of, or in conflict with, the general law.

The Promoter of a Private Bill must identify and individually notify anyone considered to be directly affected by the Bill. The Promoter must also place a notice of the Bill in two newspapers which circulate in the area concerned.

### HOW DOES THE PRIVATE BILL PROCESS WORK?

On introduction, a Private Bill must be accompanied by a Statement of Legislative Competence from the Presiding Officer of the Scottish Parliament, Explanatory Notes, an Estimate of Expense and Funding Statement, an Environmental Statement, a Promoter's Statement, a Promoter's Memorandum, Maps, Plans and Sections, a Book of Reference and an assignation of copyright/licensing agreement.

Following the introduction of a Private Bill, there is a limited time period within which to object to the Bill, known as "the objection period". The objection period commences on the day after the introduction of the Bill and runs for 60 days. An objector may be any individual person, company or group of people who consider that their interests would be adversely affected by the Bill. There are further details later in this paper.

There are three main stages involved in the parliamentary consideration of a Private Bill:

1. Preliminary Stage - in Committee and then in the Parliament in full session
2. Consideration Stage - in Committee only
3. Final stage - in the Parliament in full session only

At **Preliminary Stage**, a Private Bill Committee will consider and report to the Parliament on the general principles of the Bill and on whether the Bill should proceed as a Private Bill. It will also give preliminary consideration to objections and reject objections where the objector's interest is not clearly adversely affected. It will also decide whether the Accompanying Documents lodged with the Bill comply with the Parliament's Standing Orders (rules) and allow for proper scrutiny of the Bill. The Bill will then go before the whole Parliament for debate, on a motion proposed by the Private Bill Committee Convener. If the motion recommends the approval of the general principles and that the Private Bill should proceed, a vote in favour will mean that the Bill proceeds to Consideration Stage, but a vote against will mean that the Bill will fall.

If a Private Bill is approved by the Parliament at Preliminary Stage, it is referred back to the Private Bill Committee for **Consideration Stage**. At this stage, the Committee will first consider the details of the Bill and the details of admissible objections. It will then consider whether to make amendments to the Bill. The Bill as amended at Consideration Stage is then reprinted.

At **Final Stage**, the Parliament meeting in full session is concerned with further proposed amendments to the Bill as amended at Consideration Stage. Finally, the Parliament is required to vote on whether the Private Bill should be passed. If amendments are agreed at Final Stage, then, before the final vote, the Private Bill Committee Convener can move a motion to refer the Bill back to the Committee for further consideration. After any such consideration, the Bill will be sent back to the Parliament in full session for final approval or rejection.

### **WHAT IS A PRIVATE BILL COMMITTEE?**

A Private Bill Committee is an ad hoc committee established by the Parliament to deal specifically with a Private Bill. A Private Bill Committee must contain no more than 5 Members of the Scottish Parliament (MSPs). MSPs cannot be appointed to the Committee if they reside in an area affected by the Private Bill, nor can they be appointed to the Committee if the whole, or a part, of their constituency or region falls within the area affected by the Bill. The Private Bill Committee will play a pivotal role in consideration of the Private Bill and of any objections lodged to it. A Private Bill Committee may request written evidence and may take oral evidence at Preliminary Stage and at Consideration Stage. If attending the Committee to give oral evidence, witnesses must swear an oath, or give an affirmation, prior to giving evidence.

### **WHAT IS THE PROCESS FOR OBJECTING TO A PRIVATE BILL?**

The precise date when an objection period ends should be checked with the Private Bills Unit of the Scottish Parliament. For the purpose of lodging objections, the day ends at 5pm. Objections must be lodged with the Private Bills Unit, The Scottish Parliament, Edinburgh EH99 1SP (0131 348 6789, [private.bills@scottish.parliament.uk](mailto:private.bills@scottish.parliament.uk)).

An objection must conform to the admissibility criteria set out in the Parliament's Standing Orders. Objections are required to-

- be signed (where applicable, by a person duly authorised and showing that person's position or designation) and dated;
- be in English;
- be printed, typed or clearly hand-written;
- set out clearly the name, address and, where available, other contact details of the objector (telephone, email and fax) (see below for additional information in relation to this);
- explain whether the objection is against the whole Bill or only to certain provisions (in which case these should be clearly identified) (see below for additional information in relation to this);
- set out clearly the nature of the objection i.e. why the objector opposes the Bill for example, the proposed acquisition of an objector's property; noise and vibration associated with a proposed new transport scheme;
- specify how the objector's interests would be adversely affected by the Bill, for example, because of anticipated loss of earnings or reduction in property values; adverse impact on employment or business; loss of amenity etc;
- be accompanied by the lodging fee (currently £20, cheques should be made payable to 'The Scottish Parliament').

It is important that an objection itself states clearly whether it is against the whole Bill or to certain identified provisions. In either case, the objection itself must clearly show how the objector will be adversely affected.

An objection can be submitted by e-mail from an objector's e-mail address, providing that a hard copy is sent in writing to the Clerk within 7 days of the e-mail.

At the conclusion of the objection period, the clerks in the Private Bills Unit will check all objections for admissibility. Once this is done, a letter will be issued to each objector and a copy of each admissible objection will be made available for inspection in each of the partner libraries and posted on to the Parliament's website. An objector who does not wish all, or any, contact details to

be made available on the website must inform the clerks of this at the time the objection is lodged. The clerks will then delete the relevant information from the web version of the objection. The information will not be removed from the copies of the objection placed in the partner libraries for inspection. (This information will be useful to objectors in identifying each other should they wish to co-operate where there are objections of a similar nature.)

The Private Bill Committee has the discretion to accept late objections before completion of the Preliminary Stage, although an objector must show a good reason for the delay.

An objection can be withdrawn by the objector at any time during consideration of the Bill The £20 fee will not be returned.

### **QUESTIONS: CONTACT DETAILS**

For further details on the Private Bill process and, in particular, the objection process, please contact the Private Bills Unit. For further details on the subject matter of the Edinburgh Airport Rail Link Bill please contact Mrs A M H Gorlov, John Kennedy & Co, 35 Great Peter Street, Westminster, London SW1P 3LR, Parliamentary Agents for the promoter. Tel: 020 7593 5005, fax: 020 7593 5199, email: [amhgorlov@winckworths.co.uk](mailto:amhgorlov@winckworths.co.uk).

### **WHERE CAN I GET FURTHER INFORMATION ABOUT THE PRIVATE BILL PROCESS?**

The following publications provide useful information about the Private Bill Process in the Scottish Parliament:

Guidance on Private Bills: [www.scottish.parliament.uk/bills/billguidance/gprb-c.htm](http://www.scottish.parliament.uk/bills/billguidance/gprb-c.htm)

Information for Objectors to Private Bills:

<http://www.scottish.parliament.uk/business/bills/billguidance/ifotpb.htm>

Standing Orders of the Scottish Parliament:

[http://www.scottish.parliament.uk/business/so/so\\_final.pdf](http://www.scottish.parliament.uk/business/so/so_final.pdf)

Further information can also be requested from: The Private Bills Unit, The Scottish Parliament, Edinburgh, EH99 1SP (tel: 0131 348 6789, RNID Typetalk 18001 0131 348 6789, fax: 0131 348 5184, textphone: 0845 270 0152 (local rate) or email: [private.bills@scottish.parliament.uk](mailto:private.bills@scottish.parliament.uk) website: [www.scottish.parliament.uk](http://www.scottish.parliament.uk)).