

Private Bill Office and Committee of Selection

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● *Short guide to Parliamentary Procedure: Special Procedure Orders*

● **What is a Special Procedure Order?**

A Special Procedure Order is a type of secondary legislation which is specified by certain Acts of Parliament, normally for use when land is to be acquired compulsorily. The Act says that the order is subject to “special parliamentary procedure”, and this triggers the operation of the Statutory Orders (Special Procedure) Act 1945, which lays down the Parliamentary procedures which apply.

Part of the procedure is the same as for statutory instruments (which are also made under powers granted by Acts of Parliament), but the main difference is that there is an opportunity for those who would be directly affected by the order to petition against it, as well as the possibility for Members of Parliament to table motions asking for the order to be annulled. The opportunity to petition Parliament is in addition to the consultative procedures which have to be undertaken before the order is presented to Parliament.

● **How to object**

Any person who will be *directly and specifically* affected by the Order, if it comes into force, may lodge a petition in either or both of the Houses of Parliament. This note is concerned primarily with procedure in the House of Commons.

A petition or petitions may be lodged with the Private Bill Office in the House of Commons indicating the petitioners’ objections to the Order. The petition must take one of two forms. It must either:

- (i) object to the Order in principle (this is called a *petition of general objection*); or
- (ii) seek to alter specific provisions within the Order (this is called a *petition for amendment*).

If a person wishes to object generally to the Order but also seeks amendments, separate petitions should be deposited to deal with each argument.

The deadline for receipt of petitions is twenty-one days after the Order is laid before Parliament.

There are various rules governing the style of address in petitions to the House, and the manner in which they are deposited. Anyone who wishes to object is therefore advised to contact Annette Toft, Clerk in Charge of Private Bills, on 020 7219 6008 for further

information. A fee is charged in each House on deposit of a petition, of £10 (£20 in total).

●What happens next

When petitioning time is over, any petitions which have been deposited are examined by the Chairman of Ways and Means (the Deputy Speaker) in the Commons, and the Chairman of Committees of the House of Lords. The purpose of the examination is to determine whether the petitioners have sufficient direct interest in the matter of the Order for their objections to be heard formally: this is known as *locus standi* and could include ownership of or residence on land to be compulsorily purchased. *Memorials* may be deposited with the Chairmen, stating technical objections to a petition deposited, within seven days of the petition's presentation. If a Memorial is deposited it will be considered together with the petition concerned.

Once the Chairmen have reported their decision on the *locus standi* of petitioners, a further twenty-one day period (known as the *resolution period*) begins, in which a Member of Parliament may move a motion of objection to the Order. If a motion of objection is passed, the Order may not proceed further. If a motion of objection is not passed, and there are no petitions to be heard, the Order comes into force at the end of this period. If, however, in the absence of objection by Members the Chairmen have approved a petition to be heard, the Order is referred to a Joint Committee of Members of the Commons and the Lords before which the petitioner appears in person. The Committee will decide whether or not the Order should be approved, and if the Order is approved, whether any amendments are required to be made to it.



●How to indicate support for the Order

There are no formal procedures to hear general arguments of support for a proposed Order. Anyone wishing to indicate general support for an Order is advised to contact the promoters. If the order is taken to a Joint Committee, the promoters can cite that support for their case.

●Counter-petition

If a petition for amendment of the Order is deposited, and cleared to proceed to the Joint Committee, it is possible to lodge an objection to the amendment proposed in the petition (such an objection is known as a *counter-petition*); a counter-petition is, in effect, a petition in favour of the Order as originally presented. The deadline for receipt of a counter-petition is thirteen days after the day on which the Chairmen report that a petition for amendment may proceed. The counter-petition is also examined to determine whether the petitioner has *locus standi*; if approved it may also be referred to the Joint Committee. Any person interested in lodging a counter-petition is advised to contact Annette Toft on the number given above.