



The Scottish Parliament
Pàrlamaid na h-Alba

HYBRID BILLS - THE PROPOSED FORTH CROSSING BILL INFORMATION ON THE OBJECTION PROCESS



This leaflet provides information for those who may wish to object to a Hybrid Bill introduced in the Scottish Parliament by the Scottish Government (the Scottish Government is referred to as 'the promoter').

What is a Hybrid Bill?

A Hybrid Bill is a public Bill which affects a particular interest of a person or a body in a way that is different to the interests of other people or bodies in the same category or class. Hybrid Bills generally relate to development projects, e.g. construction of a bridge which may adversely affect a private interest.

A Bill is introduced by being lodged with the clerks of the Parliament. The promoter must also lodge accompanying documents explaining the background to the Bill and its purposes.

A copy of the Bill and accompanying documents will be available for inspection. The copies will be placed in each of the Parliament's partner libraries in the area affected by the proposed Bill and, where possible, on the Parliament's website.

The promoter must individually notify anyone considered to be directly affected by the Bill of the Bill's purposes, its date of introduction, and where to seek further information. They must also place a notice in two newspapers which circulate in the area concerned.

Who can object?

It is open to any individual, company or group of people who consider their interests would be adversely affected by the Bill to object.

Prospective objectors with similar concerns may wish to consider lodging a joint objection rather than objecting individually.

The reason for this is that a Hybrid Bill Committee has the power to group objections that are similar in nature. This grouping process means that a number of individual objections on the same matter will be in no better position than a single objection signed by a number of individuals.

Prospective objectors may, if they wish, ask the clerks for advice on parliamentary procedures.

Is there a time limit?

Objections should be lodged with the clerks no later than 60 days after the introduction of the Bill. This is known as the 'objection period'.

What do I need to do?

Objections must:

- be signed and dated;
- be in English or Gaelic;
- be printed or clearly hand-written;
- set out the name, address and, where available, other contact details of the objector (telephone, email, fax);
- state clearly whether the objection is against the whole Bill or only to part(s) of the Bill – in which case these should be explicitly identified – or both;
- set out clearly why the objector opposes the Bill – for example, the proposed acquisition of an objector's land or property; or noise and vibration affecting them which is associated with the proposed Bill;

- specify how the objector's interests would be adversely affected by the Bill – for example, anticipated loss of earnings; reduction in property values; adverse impact on employment/business; or loss of amenity; and
- be accompanied by the £20 lodging fee – cheques payable to 'The Scottish Parliament'.

If all these criteria are met, the objection is 'admissible' and can be lodged.

How do I lodge an objection?

Objections can be sent to the address given at the end of this leaflet (recorded delivery or registered post are recommended) or delivered in person. The objection and accompanying fee must be received within the 60-day objection period. It would be very helpful if objections could also be emailed.

What happens next?

The clerks will notify each objector whether their objection is admissible. In the case of an objection signed by more than one individual, the clerks will correspond with the principal signatory on the objection (and that signatory should be clearly identified). It will be the responsibility of that person to liaise with the other signatories.

At the end of the objection period a list of the names of those who have lodged admissible objections will appear in the Parliament's Business Bulletin and on the Parliament's web pages relating to the particular Bill (the Business Bulletin is on a separate Parliament web page).

What happens in the Parliament?

There is a three-Stage Parliamentary process. Stage 1 includes preliminary consideration of objections; Stage 2 includes detailed consideration of objections; and Stage 3 includes further consideration of amendments to the Bill and whether the Bill should be passed.

Clerks will provide additional detailed information about the process when they write to objectors at the conclusion of the objection period. Some objectors may be required to provide additional information at a later stage (again, the clerks will provide information at each stage of the process).

Ultimately the Parliament will:

- pass the Bill; or
- pass the Bill with amendment; or
- reject the Bill.

The promoter may withdraw the Bill at any time.

What is the role of MSPs in proceedings?

During the progress of a Hybrid Bill, all Members of the Scottish Parliament will have an opportunity to be involved in scrutinising the Bill. At Stage 1, a Hybrid Bill Committee will be appointed by the Parliament to consider the Bill generally and to consider any objections. The Committee, which is made up of between three and five Members of the Scottish Parliament (MSPs), must consider any objections lodged in order to satisfy itself that each objection is based on a reasonable claim that the objector's interests would be clearly adversely affected by the Bill.

If the Committee is not satisfied it may reject the objection. If the Committee is satisfied then those substantive issues raised in the objection will be

considered during the Bill process. The clerks will notify anybody whose objection is rejected by the Committee. There is no right of appeal and the lodging fee will not be refunded.

At Stage 2 and Stage 3, any MSP may lodge an amendment to the Bill. At Stage 2, amendments are considered by the Committee; at Stage 3, amendments are considered by all MSPs during proceedings in the Debating Chamber.

What if I change my mind?

An objector may withdraw their objection at any time by notifying the clerks (but please note that the lodging fee will not be refunded).

Where can I find out more?

Further information about the Hybrid Bill process, in particular the objection process, can be obtained from:

Guidance on Hybrid Bills

www.scottish.parliament.uk/business/bills/billguidance/ghb-c.htm

Standing Orders of the Scottish Parliament (Chapter 9C)

www.scottish.parliament.uk/business/so/sto-c.htm

Alternatively, please contact:



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