



HOUSE OF LORDS

Hybrid Instruments Committee

First Report of Session 2003-04

**West Northamptonshire
Development Corporation
(Area and Constitution)
Order 2004**

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Membership

Lord Brabazon of Tara (Chairman)
Lord Campbell of Alloway
Viscount Craigavon
Baroness Fookes
Lord Harrison
Lord Luke
Lord Sandberg
Baroness Wilkins

Publications

The reports of the Committee are published by The Stationery Office by Order of the House and can be found on the internet at :
http://www.parliament.uk/parliamentary_committees/lords_hi.cfm together with transcripts of the Committee's proceedings.

General Information

The Hybrid Instruments Committee considers affirmative instruments which have been deemed hybrid by the Chairman of Committees. Their remit is encapsulated in Private Business Standing Order 216 which is reproduced in Appendix 1 of this report.

The text of Orders considered by the Committee can be found at www.hmsso.gov.uk/stat.

Contacts

All correspondence should be addressed to the Clerk of the Hybrid Instruments Committee, Public and Private Bill Office, House of Lords, London, SW1A 0PW
The telephone number for enquiries about the Committee or hybrid instruments is 020 7219 3231.

The Committee's email address is prbohol@parliament.uk.

**FIRST REPORT OF SESSION 2003-04 FROM THE HYBRID
INSTRUMENTS COMMITTEE**

**WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION
(AREA AND CONSTITUTION) ORDER 2004**

The Committee have considered the West Northamptonshire Corporation (Area and Constitution) Order, the Petitions of Weedon Bec Parish Council (1), the Campaign to Protect Rural England (Northamptonshire Branch) (2), Mrs Pauline Adams, Mr John Bass and Mr Ashley Gibbons (3), Daventry Villages Together (4) and Stop the Over-Development Plans for Northamptonshire (5), and the representations in writing submitted to them. They have also heard the Agents for the First Secretary of State and for the third petitioners.

The Committee are of opinion that the first, second, third and fourth petitioners have a locus standi and that the fifth petitioner has a locus standi so far as it represents the parish councils specified in its petition. They are further of opinion that the petitions disclose substantial grounds of complaint and that there has been no opportunity of having the matters complained of in the petitions properly enquired into. The Committee are therefore of opinion that there ought to be a further enquiry by a Select Committee into the matters complained of in the petitions.

APPENDIX 1 : PRIVATE BUSINESS STANDING ORDER 216

Hybrid Instruments

1. Where in the opinion of the Chairman of Committees an affirmative instrument as defined by Public Business Standing Order 72 (Affirmative instruments) is such that, apart from the provisions of the Act authorising it to be made, it would require to be enacted by a private or hybrid bill, he shall report his opinion to the House and to the minister or other person responsible for the instrument. An instrument on which the Chairman of Committees has so reported is in these standing orders referred to as a “hybrid instrument”.

An order under section 1 of the Manoeuvres Act 1958 shall not be the subject of a report under this paragraph.

2. A petition to the House not to affirm a hybrid instrument shall be signed by the petitioner or his agent and be deposited or sent so as to be received in the office of the Clerk of the Parliaments within the 14 days following the day on which the Chairman’s report under paragraph (1) is laid before the House.

3. If no petition is received in the office of the Clerk of the Parliaments within the period allowed by paragraph (2), or if every petition, or the only petition, so received is withdrawn, the Chairman of Committees shall report that fact to the House.

4. Any petition received in the office of the Clerk of the Parliaments within that period shall, together with the instrument petitioned against, stand referred to a committee appointed at the commencement of every session and consisting of the Chairman of Committees and such other lords as the House shall name. The committee shall be known as the “Hybrid Instruments Committee”.

5. The Hybrid Instruments Committee, after considering any representations in writing by the parties to the proceedings, and after hearing, if they think fit, the parties in person or counsel or agents appearing for the parties—

(a) shall decide whether the petitioner has a locus standi, and

(b) shall decide that question as if the instrument were a private bill and the committee were a select committee on the bill.

6. If the committee decide that the petitioner has no locus standi they shall report their decision to the House; but if they decide that he has a locus standi they shall report to the House—

(a) whether the petition discloses substantial grounds of complaint,

(b) whether the matters complained of in the petition have been so dealt with that no further inquiry is necessary,

(c) whether the petitioner failed to avail himself of opportunities of having the matters complained of properly inquired into; and

(d) whether or not, in the light of their findings on questions (a) to (c) above, there ought to be a further inquiry by a select committee into all or any of the matters complained of.

7. Where the Hybrid Instruments Committee have reported to the House that there ought to be such further inquiry into all or any of the matters complained of, the House may refer all or any of the matters on which the committee have so reported to a select committee consisting of five lords, named by the House on the

proposal of the Committee of Selection; and the House shall specify the orders of reference of the select committee.

8. For the purposes of Public Business Standing Order 72 (Affirmative instruments) the proceedings on a hybrid instrument shall be terminated when—

- (a) there has been laid before the House a report by the Chairman of Committees under paragraph (3); or
- (b) there has been laid before the House a report by the Hybrid Instruments Committee under paragraph (6) that no petitioner has a locus standi or that none of the matters complained of in petitions against the instrument ought to be inquired into by a select committee; or
- (c) the House has decided that none of those matters be referred to a select committee; or
- (d) there has been laid before the House the report of the select committee to whom any matter has been referred under this standing order.

9. Where proceedings under this standing order have not been completed in respect of a hybrid instrument which has expired or lapsed, a further affirmative instrument made or laid in draft to substantially the same effect may be substituted for the previous instrument for the purposes of those proceedings.

10. This standing order shall not, except in so far as it defines a hybrid instrument, apply to an “expedited hybrid instrument” as defined in paragraph (1) of Standing Order 216A (Expedited hybrid instruments).