The Committee will meet at 1.00 pm in Committee Room 5.

1. **Decision on taking business in private:** The Committee will decide whether to consider the assessor’s report on objections still outstanding at Phase 1 of Stage 2, the Committee’s approach to its Stage 2 report and the draft Stage 2 report, in private, at this meeting and at future meetings.

2. **Work programme:** The Committee will review its work programme.

3. **Report by the Assessor:** The Committee will consider a report by the assessor on outstanding objections to the Bill and its approach to its draft Stage 2 report.

Sarah Robertson
Clerk to the Forth Crossing Bill Committee
Room T2.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 6234
Email: hybrid.bills@scottish.parliament.uk
The papers for this meeting are as follows—

**Agenda item 2**

Briefing paper

FCB/S3/10/11/1

Briefing paper

FCB/S3/10/11/2

**Agenda item 3**

Private briefing paper

FCB/S3/10/11/3
Forth Crossing Bill Committee

11th Meeting, 2010 (Session 3), Thursday 7 October 2010

Overview: June 2010 – October 2010

1. The Committee previously met on 16 June 2010 when it considered its approach to Stage 2 of the Forth Crossing Bill. Amongst other items, the Committee agreed a timetable for phase 1 of Stage 2\(^1\) (the timeline is attached as Annexe A).

**Objections**

2. The role of the Committee at phase 1 is to arbitrate on issues within objections that have not been resolved by the objectors and the Scottish Government (Transport Scotland). The Committee had previously agreed to direct the Scottish Parliamentary Corporate Body (SPCB) to appoint an assessor to—

   - consider oral and written evidence at phase 1 on objections to the Bill; and
   - to report back to the Committee with recommendations on each objection.

3. Professor Hugh Begg took up his appointment as assessor in May 2010 at the commencement of Stage 2.

4. Objections were lodged with the Parliament in January 2010. Prior to the commencement of the assessor’s work in August 2010, updates on objections were exchanged between objectors and the Scottish Government (Transport Scotland). As with all the objections, these updates were placed on the Committee’s internet pages.

5. Where issues within objections had not been subject to mutual resolution, the assessor heard evidence on these with a view to making recommendations to the Committee. The assessor has reported his recommendations to the Committee (see Paper Number FCB/S3/10/11/3(P)).

**Future work programme**

6. A draft work programme for the Committee to consider is at Paper Number FCB/S3/10/11/2. The programme includes the conclusion of phase 1 with a report by the Committee and meetings at phase 2 to conclude Stage 2 of the Bill.

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\(^1\) Stage 2 consists of two phases: phase 1 being the consideration of objections to the Bill and phase 2 being the consideration of amendments to the Bill.
Conclusion

7. The Committee is invited to consider the papers as specified above. The Committee may also wish to be aware of the most recent updates on work on the Forth Road Bridge, attached as Annexe B, which have been published by the Forth Estuary Transport Authority.

Committee Clerks
October 2010
### STAGE 2, PHASE 1

#### JUNE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>w/c 7</td>
<td>Preliminary grouping of objections (and possible lead objectors).</td>
</tr>
<tr>
<td>w/c 14</td>
<td>16 June - Committee meeting.</td>
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<tr>
<td></td>
<td>Clerks to write to objectors re provisional groupings.</td>
</tr>
<tr>
<td>w/c 21</td>
<td>21 June - Clerks: public meeting to outline Stage 2 procedures (South Queensferry, High School).</td>
</tr>
<tr>
<td>w/c 28</td>
<td>28 June - Clerks: public meeting to outline Stage 2 procedures (Edinburgh, Scottish Parliament).</td>
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<td></td>
<td>Deadline for responses to objector groupings letters.</td>
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#### JULY

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>w/c 5</td>
<td><strong>Parliamentary recess starts</strong></td>
</tr>
<tr>
<td></td>
<td>Finalise objector groupings and lead objectors.</td>
</tr>
<tr>
<td>w/c 12</td>
<td>Invite lead objectors to provide witness statements by w/c 19 July.</td>
</tr>
<tr>
<td>w/c 19</td>
<td>Witness statements sent to promoter inviting comment by w/c 2 August.</td>
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<td>w/c 26</td>
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#### AUGUST

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>w/c 2</td>
<td>Clerks: individual pre-hearing meetings with objectors</td>
</tr>
<tr>
<td></td>
<td>Invite objectors’ responses to promoter’s rebuttals by w/c 16 Aug.</td>
</tr>
<tr>
<td>w/c 9</td>
<td>Clerks: send out formal invite letters to hearings to lead objectors.</td>
</tr>
<tr>
<td>w/c 16</td>
<td>Collate witness statements and rebuttals for hearings for assessor.</td>
</tr>
<tr>
<td>w/c 23</td>
<td></td>
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<tr>
<td>w/c 30</td>
<td>Assessor: meetings with objectors.</td>
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<tr>
<td></td>
<td><strong>Parliamentary recess ends</strong></td>
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<tr>
<td>Date</td>
<td>Task</td>
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<tr>
<td>w/c 6</td>
<td>Assessor: meetings with objectors.</td>
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<tr>
<td>w/c 13</td>
<td></td>
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<tr>
<td>w/c 20</td>
<td></td>
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<tr>
<td>w/c 27</td>
<td>Assessor: submission of Stage 2 report.</td>
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</table>
FORTH ROAD BRIDGE: UPDATES ON WORK ON THE FORTH ROAD BRIDGE (PUBLISHED BY THE FORTH ESTUARY TRANSPORT AUTHORITY)

Main cable – dehumidification


2. The FETA website states—

“Whilst there is good reason to have confidence that dehumidification can slow down or halt corrosion it cannot of course restore strength loss and, in addition, there is no body of evidence yet available to allow an unconditional assurance to be given that it will prevent a further reduction in strength loss in the main cables at Forth.

The first indication of the system’s effectiveness will be available in 2012 when the cable is re-inspected.”

3. An update on the work on the main cables was reported to the FETA Board on 27 August 2010—

http://www.forthroadbridge.org/sites/default/files/documents/Main%20Cable%20Update%20item%2007%20final%200.pdf

Anchorage chambers

4. The FETA website states—

“The anchorages of the main cables of a suspension bridge are critical elements of the structure.

[The] use of pre-tensioning in the buried concrete anchorage tunnels at Forth was considered innovative at the time. Unfortunately, this form of construction can be vulnerable to corrosion and deterioration especially in a saline environment such as is found at Forth.

In the course of a study into the feasibility of replacing or augmenting the main cables, completed in 2008, it became apparent that further work

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2 http://www.forthroadbridge.org/dehumidification
would be required to prove the long-term structural integrity of the anchorages."

5. An update on this project states—

“the project can now be taken to tender stage to carry out excavation and inspection work on site at the South Anchorages.”

6. The update on the work on the anchorages was reported to the FETA Board on 27 August 2010—

http://www.forthroadbridge.org/sites/default/files/documents/Anchorages%20Update%20item%2008%20final_0.pdf
Forth Crossing Bill Committee  
11th Meeting, 2010 (Session 3), Thursday 7 October 2010  
Stage 2: summary of procedures and work programme  

Introduction  

1. This paper provides a summary of the procedures that govern Stage 2 of the Bill.  

2. The parliamentary process in relation to hybrid Bills allows objectors to submit written evidence, the opportunity to disagree with the promoter’s evidence and, at Stage 2, to provide oral evidence and cross-examine other witnesses. This is a unique function not available to other parliamentary committees in the passage of a public Bill.  

Overview  

3. Stage 2 involves the detailed consideration of objections and the Bill. It is split into two distinct phases.  

4. In essence, the first phase of Stage 2 is “quasi-judicial” in nature and the role of the Committee is to act as arbiter between the promoter and objectors. The Committee will produce a report on whether to uphold or dismiss each objection. To allow the Committee to do this, further written evidence and oral evidence is invited from objectors and the promoter.  

5. The Committee is assisted in its role at this Stage by an assessor. The Committee agreed (at its Meeting on 24 March 2010) that any evidence (written or oral) that is provided by the promoter and objectors at Stage 2 would initially be considered by the assessor on behalf of the Committee. After considering this evidence, the assessor would report to the Committee with such recommendations as the assessor considers appropriate.  

6. The Committee can accept in whole or in part, or reject, any report by the assessor. It could also take any other step as it thinks fit, for example, referring further matters to the assessor for consideration and report, or itself taking further evidence. Regardless of what the Committee decides at this point, it would remain the sole duty of the Committee to decide and report on any outstanding objections at Stage 2.  

7. The second phase of Stage 2 is where the amendments can be made to the Bill.
Phase two: procedure

Written evidence

8. At the start of Stage 2, all lead objectors and the promoter are invited to submit written evidence. This exchange of **written evidence** makes clear what the outstanding issues are between objectors and the promoter. This ensures that any **oral evidence** taken focuses solely on these matters. The written evidence provides the details of any **witnesses** who will be providing oral evidence on behalf of objectors and the promoter.

9. The sequence for written evidence is summarised as follows—
   a) Lead objectors provide “witness statements” for their group;
   b) The promoter then provides individual responses to all of these statements;
   c) All lead objectors then “rebut” the relevant promoter’s response.

10. Groups are under no obligation to provide any further evidence. If the group considers that it has already set out its case in full in the original objections, the lead objector advises that the group wishes to rest on that evidence.

Oral evidence

11. Where there are disagreements between objectors and the promoter that cannot be resolved through exchanges of **written** evidence, then both sides can be invited to present **oral** evidence. It should be noted that if oral evidence is given by objectors or by the promoter, this is given by witnesses nominated by either side. The hearing of oral evidence usually takes place over several days.

12. Oral evidence-taking at phase one of Stage 2 is adversarial in style and is more akin to court proceedings than to normal committee proceedings.

Assessor’s report to the Committee

13. Once all written and oral evidence has been considered by the assessor, the assessor will report to the Committee with such recommendations on the basis of that evidence as the assessor considers appropriate.

14. Hearings for objectors with the assessor took place from Monday 30 August through to Monday 13 September inclusive and the assessor has submitted his recommendations to the Committee.

15. Once the Committee has considered the assessor’s report and taken any further evidence (as it considers appropriate), there are then two broad options open to the Committee in determining objections—
   - the Committee may decide to dismiss an objection;
• the Committee may uphold an objection. In doing so, the Committee may indicate the steps that it considers should be taken so as to address the issue raised by the objector. This may include, for example, amending the Bill at the second phase of Stage 2.

16. If there are any issues that have not been covered and discussed by objectors and the promoter during phase 1 and which the Committee considers to be still outstanding, it can take evidence on these issues. For example, the Committee may wish to consider the extra information it requested from the promoter, the Minister in its Stage 1 Report and in its response to the Minister following the last meeting of the Committee.

Report by the Committee at Stage 2

17. Once objections and other issues have been considered, the Committee will prepare a report giving its decisions on the objections and reporting on any other extant issues. The report will include, as an annexe, the report from the assessor. The report may also indicate areas where the Committee expects the Bill to be amended at Stage 2.

Phase 2: procedure and deadlines

18. When the Committee’s report is published, an announcement will appear in the Business Bulletin (BB) to alert all Members to the deadline for lodging amendments.

19. Phase 2 of Stage 2 is where the Committee looks at the Bill in greater detail. This involves agreeing each section and schedule of the Bill as well as the Bill’s long title and amendments to the Bill.

Amendments

20. Procedures for the lodging and consideration of amendments are the same as those for public Bills.

21. The Committee will encourage the Scottish Government to prepare amendments to give effect to any recommendations contained in its Stage 2 Report.

Lodging amendments

22. Amendments can be lodged with the clerks five days after publication of the Committee’s Stage 2 Report. Admissible amendments are printed in the BB.

Consideration of amendments

23. The amendments will be scrutinised by the Committee at its meetings scheduled, in the draft work programme, for November 2010. Although
amendments may be lodged by any Member, only members of the Forth Crossing Bill Committee are able to vote on amendments at this Stage.

Action

The Committee is invited to consider its work programme.

Committee clerks
October 2010
Forth Crossing Bill Committee

Work programme: Stage 2, phases 1 and 2

1. The following is a draft work programme for the Committee for the period from the receipt of the report from the assessor to the conclusion of Stage 2.

2. It should be noted, however, that timings can be subject to change.

3. Members are requested to consider the work programme outlined below.

Stage 2 is conducted in two phases:

Phase 1 – the consideration of objections to the Bill.
Phase 2 – the consideration of amendments to the Bill.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Assessor hearings (Phase 1)</td>
<td>w/c 30 August &amp;</td>
</tr>
<tr>
<td></td>
<td>w/c 6 Sept 2010</td>
</tr>
<tr>
<td>Receipt of assessor's report to Committee</td>
<td>1 Oct 2010</td>
</tr>
<tr>
<td>Committee meeting (consideration of the assessor’s report)</td>
<td>7 Oct 2010</td>
</tr>
<tr>
<td><em>w/cs 11 and 18 are recess.</em></td>
<td></td>
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<tr>
<td>Committee meeting (consideration of Committee’s report)</td>
<td>27 Oct 2010</td>
</tr>
<tr>
<td>Publish Committee’s Stage 2 Report which includes the report by the assessor (Phase 1 concludes)</td>
<td>w/c 1 Nov 2010</td>
</tr>
<tr>
<td>Committee meeting (Phase 2)</td>
<td>17 Nov 2010</td>
</tr>
<tr>
<td>Committee meeting (Phase 2)</td>
<td>24 Nov 2010</td>
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