The Infrastructure Bill and Trespass Law

What you can do

Introduction

MPs are about to start debating a new piece of legislation, the Infrastructure Bill, which if passed in its current form, will further weaken fracking regulations. The Bill contains clauses that would change trespass law in order to allow companies to drill under people’s homes without their permission. This is despite the fact that 99% of people who responded to the Government consultation opposed this proposed change in trespass law. Not only has Government ignored this, but they have gone further to allow companies to leave any substance under the ground indefinitely without even notifying the landowner.

Between December and February, MPs will have the opportunity to influence the Infrastructure Bill. They will be able to vote for amendments to stop the change in trespass law and instead introduce a moratorium on fracking. This Bill is the first time that MPs have had the chance to vote on fracking.

Several MPs have already expressed concern about the Government’s all out support for fracking and the impacts this could have on climate change, the local environment and our health. They need to go further, by voting to stop Government from taking away our rights to oppose fracking where we live.

To do this we need as many MPs as possible to hear from their local constituents and know how concerned people are about the impacts of the Government’s pro-fracking policy.
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What you can do

Here are some things you can do to help

- Go to your MP’s surgery and talk to them about your concerns. Your MP should have dates they run surgeries on their own website.
- Write to your MP (see below). You can find their e-mail address at the Parliament UK website.
- And sign and share our petition to MPs What shall I say?

We suggest you ask your MP to:

1) Speak at the “second reading” of the Bill in Parliament on the 8 December, where they can call for a moratorium on fracking and oppose the change to trespass law. Fracking is incompatible with avoiding 2 degrees of global warming. We need stronger – not weaker – regulation. And any other points you wish to make. (obviously if you feel your MP would not support a moratorium or oppose the trespass law change then simply ask them to attend)

2) Sign Early Day Motion 57 against fracking

An early day motion (EDM) is a petition in Parliament that MPs can sign. This EDM calls on the Government to withdraw their plans to allow fracking under people’s homes without their consent, and to not allow fracking anywhere in the UK. To check if your MP has already signed it check this website.

3) Commit now to vote in support of any amendments opposing fracking or trespass. MPs will have a chance to vote on the Bill during Report Stage, which is expected to be in February. It would be very helpful to know in advance if your MP will support any amendments opposing fracking or trespass.

The detail

The Government is changing the law in order to ensure that cases for trespass can’t be brought against unconventional oil and gas companies that could be fracking within the land. This is because, theoretically, your property extends to the core of the earth. The proposed law would give private companies a ‘right of use’ which is like a right of access. The right of use is quite extensive because the Government wants to ensure that all possible activities related to fracking are covered. The right of use starts at a depth of 300m. The Government has said that even if the companies have a right of use, planning permission is still required.

Time for action

The most important stages in the House of Commons are:

1. Second reading, (a general debate on the principles of the bill)

At this stage all MPs can debate the Bill. We want to get as many MPs to speak about their concerns with the bill as possible: they can’t table amendments at second reading but it is important that issues are raised.

2. Committee stage (line by line scrutiny)

Amendments can be tabled now but only by committee members. We don’t know who these are yet, but there will be around 10 MPs and they will be picked after the second reading. If
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your MP is on the Bill Committee, you can contact them again to ask them to propose amendments to the Bill.

3. **Report stage** (debate and votes about changes to the Bill)

All MPs again can debate the Bill and table amendments – this is very important as it’s really the final chance to get changes made. Third reading in the Commons is a formality.

The note below describes the process of how Bills become law in England and you can find out more [here](#).

### Key timings

The Second reading date has recently been announced. The rest is a best guess of the timings of the passage of the Bill:

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<tr>
<th>Date</th>
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<tr>
<td>19th November</td>
<td>Third reading in the Lords</td>
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<tr>
<td>20th November</td>
<td>Introduction in the Commons</td>
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<td>8th December</td>
<td>Second reading in the Commons</td>
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<td>5th January or later</td>
<td>Committee stage in the Commons</td>
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<td>Late February</td>
<td>Report stage</td>
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This [Government page](#) is where updates are posted.

Thanks for taking action on this important issue. We’ll be in touch with more on this as the Bill goes through Parliament. In the meantime if you have any queries please e-mail fracking@foe.co.uk

### How Bills become Laws (from Parliament.uk):

#### Parliament considers and scrutinises bills

The Houses of Parliament consider proposals, called bills, most of which are introduced by the government. To become law, a bill must be approved by both MPs in the House of Commons and peers in the House of Lords. Bills go through a very similar process in both Houses.

#### Parliamentary stages

A bill may begin its journey in either the Lords or the Commons chambers. Any bills that relate to taxation begin in the House of Commons.

#### First reading

The bill's title is simply read out in the chamber. The bill is then made available to all members of Parliament.
Second reading

MPs or peers discuss the main principles of a bill. MPs may vote at the end of this stage, particularly if a bill is controversial. A bill in the House of Lords passes to the next stage without a vote.

Committee stage

A bill is then considered, line by line, by committees of MPs or peers. Changes - called amendments - are proposed and voted on. Commons bill committees normally consist of around 20 MPs. The entire House of Lords often takes part at this stage.

Report stage

The bill, with amendments or changes, is 'reported' to the House. All members can review the amended bill. Those not involved at the previous stage may suggest further changes.

Third reading

MPs debate and vote on the bill in its final form. In the Lords, further amendments may still be introduced.

A bill approved by one chamber is considered by the other

If a bill begins in the House of Commons - and is approved - it is then sent to the House of Lords, where it goes through the same stages. If the Lords were to make changes to the bill, it would return to the Commons for MPs to consider the Lords' amendments. Both the Commons and Lords must agree on the final shape of a bill before it can become law.

The Queen's 'assent' turns a bill into an Act

With approval from the Lords and the Commons, a bill will also receive formal approval by the monarch - called 'Royal Assent'. The Queen always gives her approval on the advice of ministers.

A bill then becomes law, and is described as an Act of Parliament.

For further information please contact fracking@foe.co.uk at Friends of the Earth: