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Baroness Williams

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BY EMAIL ONLY  
Lord Beith  
House of Lords  
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6 January 2022

Dear Alan

**POLICE, CRIME, SENTENCING AND COURTS BILL: SCOPE OF NEW OFFENCE  
OF OBSTRUCTION OF MAJOR TRANSPORT WORKS**

I am writing to follow up on your question to me during the debate in Committee on 24 November on the Government's amendment to create an offence of obstructing major transport works. You queried whether the new programme of works which will take place instead of the Manchester-Leeds branch of HS2, announced by the Department for Transport as part of the Government's Integrated Rail Plan, would fall within the scope of the proposed offence. These upgrade works will likely be authorised through a number of different planning processes.

As I set out to the Committee, the proposed offence will only apply to transport works which have either been authorised by an Act of Parliament or Development Consent Orders under the Planning Act 2008. Major transport works that have either been approved or been proposed which fall in these categories include HS1, HS2, the Silvertown Tunnel, Gatwick Airport Northern Runway, A303 Stonehenge, Heathrow West, and improvement works on M-designated motorways.

Rail upgrade works are predominantly authorised under Transport and Works Act Orders (TWAOs). TWAOs can cover a range of transport schemes and certain other types of infrastructure projects in England and Wales. Recent examples of railway projects authorised through a TWAO include accessibility improvements to Teddington Station and the replacement of six pedestrian level crossings with a bridleway bridge on the Felixstowe branch line. Due to the broad range of work authorised through TWAOs, some of which can be minor, the Government has not included these within scope of the proposed offence which is intended to protect transport works of strategic significance.

However, where there is a need for works authorised under TWAOs to be protected from obstruction, then orders can make use of model clause 38 in the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (SI 2006/1954). This clause provides for an offence of obstructing the construction of authorised works.

I am grateful for your detailed consideration and scrutiny of these powers.

I am copying this letter to Lord Rosser, Lord Kennedy of Southwark, Lord Coaker, Baroness Fox of Buckley, Baroness Chakrabati, Lord Paddick, Lord Oates, Lord Judge and Baroness Jones of Moulsecoomb. I am also placing a copy of this letter in the library of the House

A handwritten signature in black ink, appearing to read 'Susan', is centered on the page.

**Baroness Williams of Trafford**  
**Minister of State**