



Lord Carlile of Berriew
House of Commons
London
SW1A 0AA

BY EMAIL ONLY

17 January 2025

Dear Alex,

Terrorism (Protection of Premises) Bill: Clause 31 Civil Liability

Thank you for meeting me on 17 December, and for your important and helpful contributions made during the Terrorism (Protection of Premises) Bill second reading debate. I was grateful to hear you express your support for the Bill.

During the debate you asked about the Government's rationale for including clause 31(1). As I did not have the time to respond in full, I thought it would be helpful to write and clarify the Government's position.

The terrorism threat is varied, unpredictable and can only be mitigated, not removed entirely. The core purpose of the Bill is to ensure that premises in the UK are better prepared for and protected against terrorist attacks, therefore reducing the risk of harm being caused.

In developing the legislation, the Government considered it appropriate to limit the bringing of civil claims for breach of the statutory duties in this Bill. This prevents, for example, employees and visitors suing those responsible for qualifying premises and events for lack of compliance alone.

As I explained to the House, clause 31 does not, however, impinge upon existing rights to bring a claim in negligence where it can be established that the responsible person owes a duty of care. Nor would it preclude a court from considering the requirements in the Bill in determining the matter.

This approach reinforces the role of the Security Industry Authority as the body responsible for enforcing the requirements in the Bill, as well as for providing advice, guidance and support to those affected.

It is also in line with the current position in relation to breaches of health and safety duties.

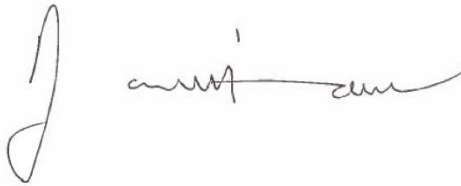
Section 69 of the Enterprise and Regulatory Reform Act 2013 amended the Health and Safety at Work etc. Act 1974 so that there is no civil right of action for breach of a duty imposed by health and safety legislation, unless provided for specifically.

As the Explanatory Notes to the 2013 Act set out, the amendment did not preclude claims being brought in negligence where there was a breach and, indeed, was intended to limit duty-holders to defending only against such claims.

I would of course be happy to discuss this matter and any other areas of outstanding concern further with you at your convenience ahead of the Committee debates.

I am placing a copy of this letter in the House of Lords Library. A copy also goes to the Security Minister.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Hanson', written on a light-colored background.

Lord Hanson of Flint