

# Public Office (Accountability) Bill

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[AS AMENDED IN PUBLIC BILL COMMITTEE]

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[AS AMENDED IN PUBLIC BILL COMMITTEE]

A

# B I L L

TO

Impose a duty on public authorities and public officials to act with candour, transparency and frankness; to make provision for the enforcement of that duty in their dealings with inquiries and investigations; to require public authorities to promote and take steps to maintain ethical conduct within all parts of the authority; to create an offence in relation to public authorities and public officials who mislead the public; to create further offences in relation to the misconduct of persons who hold public office and to abolish the common law offence of misconduct in public office; to make provision enabling persons to participate at inquiries and investigations where the conduct of public authorities may be in issue; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### IMPLEMENTING DUTY OF CANDOUR ETC

#### **1 Purpose of Act: implementing duty of candour etc**

- (1) The purpose of this Act is to ensure that public authorities and public officials at all times perform their functions—5
  - (a) with candour, transparency and frankness, and
  - (b) in the public interest.
- (2) This Act does so by—
  - (a) imposing a duty on public authorities and public officials to act with candour, transparency and frankness in their dealings with inquiries and investigations and imposing criminal liability for breach of that duty (Chapter 1 of Part 2);10
  - (b) requiring public authorities to promote and take steps to maintain ethical conduct, candour, transparency and frankness within all parts of the authority (Chapter 2 of Part 2);15

- (c) imposing criminal liability on public authorities and public officials who mislead the public in ways that are seriously improper (Chapter 3 of Part 2);
- (d) imposing criminal liability for seriously improper acts by individuals holding public office and for breaches of duties to prevent death or serious injury (in replacement of the common law offence of misconduct in public office) (Part 3); 5
- (e) making provision about parity at inquiries and investigations where a public authority is a participant or interested person, by enabling affected persons to participate fully and effectively (including, in particular, bereaved family members) (Part 4). 10

## PART 2

### PERFORMANCE OF PUBLIC FUNCTIONS

#### CHAPTER 1

##### INQUIRIES AND INVESTIGATIONS 15

## 2 Duty of candour and assistance

- (1) Public authorities and public officials must at all times act with candour, transparency and frankness in their dealings with inquiries and investigations.
- (2) The duty under subsection (1) is referred to in this Chapter as the “duty of candour and assistance” and comprises the obligations in subsections (3), (4) and (5). 20
- (3) A public authority or public official must notify the person leading an inquiry or investigation where the authority or official has grounds to believe that—
  - (a) their acts are or may be relevant to the inquiry or investigation, or
  - (b) they otherwise have information likely to be relevant to the inquiry or investigation. 25
- (4) A public authority or public official must provide all such assistance as they can reasonably give to assist an inquiry or investigation to meet its objectives, and (in particular) must—
  - (a) where the authority or official has information that is likely to be relevant to the inquiry or investigation, provide that information; 30
  - (b) where any such information is likely to be of particular significance to the inquiry or investigation, draw attention to that fact;
  - (c) if any errors or omissions are discovered in information previously provided, correct those errors or omissions; 35
  - (d) in the case of a public authority, provide a position statement;
  - (e) where requested by the person leading the inquiry or investigation, provide further information or clarification or comply with other requirements, so far as reasonably practicable.

- (5) Where a public authority is subject to the obligations in subsection (3) or (4), the public official who is in charge of the authority must take all reasonable steps to secure that the authority complies with those obligations.
- (6) In complying with obligations arising under this section, a public authority or public official must act –
  - (a) expeditiously, and
  - (b) without favour to their own, or another person's, position.
- (7) Schedule 1 –
  - (a) makes further provision about the inquiries and investigations in relation to which the duty of candour and assistance applies, and
  - (b) contains powers to extend the duty to other investigations.
- (8) This section is subject to the further provision in section 3.

### 3 Section 2: further provision

- (1) This section contains further provision in relation to section 2.
- (2) The obligation under section 2(3) has effect subject to any requirements or exceptions specified in a notice published by the person leading the inquiry or investigation.
- (3) A notification given by a public authority or public official in compliance with section 2(3) must be given as soon as reasonably practicable after the authority or official first becomes aware of the establishment of the inquiry or investigation.
- (4) The obligation under section 2(4) –
  - (a) applies to a public authority or public official on the giving of a direction by the person leading the inquiry or investigation (see further Schedule 1);
  - (b) must be complied with in accordance with any requirements specified in the direction.
- (5) The person leading an inquiry or investigation may, in particular (and whether by a direction under subsection (4) or otherwise) –
  - (a) require a public authority or public official to provide information of a particular description, at a particular time or in a particular way (for example by identifying descriptions of information that could be provided, or by giving an oral or written statement);
  - (b) dispense with the obligation to provide a position statement (subject to subsection (6) in the case of an inquiry) or other information of a particular description.
- (6) The person leading an inquiry may dispense with the obligation to provide a position statement only if they consider that compliance with that obligation would be contrary to the efficient and effective conduct of the inquiry (and must give their reasons for being of that view).

- (7) The duty of candour and assistance—
- (a) does not require a public authority or public official to breach any prohibition or restriction imposed by or under an enactment or a rule of law;
  - (b) is subject to such other exceptions as are provided for by or under this Act or any other enactment. 5

#### **4 Extension of duty to other persons with public responsibilities**

- (1) A person who—
- (a) is not a public authority or public official, but
  - (b) had a relevant public responsibility in connection with an incident, 10
- must comply with the duty of candour and assistance in relation to an inquiry or investigation being held in connection with the incident.
- (2) A person had a “relevant public responsibility” in connection with an incident if—
- (a) the person had a health and safety responsibility in connection with the incident, or 15
  - (b) the person carried out activities in connection with the incident which—
    - (i) were carried out as a service provider to a public authority, and 20
    - (ii) had a significant impact on members of the public.
- (3) For the purposes of this section—
- (a) a person had a “health and safety responsibility” in connection with an incident if they had any responsibility under health and safety legislation towards members of the public affected by the incident (including individuals working for that person); 25
  - (b) a person carried out activities as a “service provider” to a public authority if the activities were carried out under a direct contractual relationship with the public authority;
  - (c) references to an “incident” include the occurrence of particular events; 30
  - (d) other provisions of this Chapter apply as if—
    - (i) references to a public authority included a body falling within subsection (1), and
    - (ii) references to a public official included an individual falling within that subsection. 35
- (4) This section applies in relation to an incident occurring on the Parliamentary Estate as it applies in relation to an incident occurring elsewhere, but for this purpose subsection (2)(a) has effect as if the reference to a person who had a health and safety responsibility included a reference to—
- (a) the Corporate Officer of the House of Lords, 40
  - (b) the Corporate Officer of the House of Commons, and
  - (c) the Corporate Officers acting jointly.



- (5) In this section –
- “health and safety legislation” means any enactment dealing with health and safety matters, including (in particular) –
- (a) the Health and Safety at Work etc. Act 1974;
  - (b) the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9));
  - (c) Part 3 of the Energy Act 2013 (nuclear regulation);
  - (d) instruments made under the enactments mentioned in paragraphs (a) to (c);
- “Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.

## 5 Offence of failing to comply with duty

- (1) A person commits an offence if –
- (a) they fail to comply with the duty of candour and assistance in respect of an inquiry or investigation, and
  - (b) they –
    - (i) intend that their failure will impede the inquiry or investigation achieving its objectives, or
    - (ii) in the case of a failure to comply with an obligation arising under section 2(4) or (5), are reckless as to whether it will do so.
- (2) A person who commits an offence under this section is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) For further provision in relation to offences under this section, see Schedule 3.

## 6 Security and intelligence information

- (1) The duty of candour and assistance applies to an intelligence service as it applies to other public authorities.
- (2) But the obligation to give a notification under section 2(3) does not apply –
- (a) to a person who works for an intelligence service, or

- (b) where compliance with that obligation would result in the provision of information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989.
  - (3) The head of each intelligence service must ensure that the service has in place arrangements designed to secure that persons who work for the service comply with the service’s procedures for –
    - (a) maintaining a record of information in relation to any acts that are or may be relevant to an inquiry or investigation, including one which may take place in the future, and
    - (b) informing the service that they have information (if not otherwise available to the service) that is or may be relevant to an inquiry or investigation.
  - (4) In subsection (3), “head” means –
    - (a) in relation to the Security Service, the Director General of the Security Service;
    - (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
    - (c) in relation to the Government Communications Headquarters, the Director of the Government Communications Headquarters.
- 7 Transitional provision in relation to this Chapter**
- The duty of candour and assistance has effect in respect of an inquiry or investigation which is –
- (a) started after the date on which this Act is passed, or
  - (b) started before that date and remains ongoing on that date.
- 8 Interpretation of this Chapter**
- (1) In this Chapter –
- “duty of candour and assistance” means the duty under section 2(1) (read with the other provisions of sections 2 and 3);
  - “inquiry” means –
    - (a) an inquiry under the Inquiries Act 2005,
    - (b) an inquiry to which paragraph 2 of Schedule 1 applies (non-statutory inquiries), or
    - (c) an inquiry to which paragraph 4 of that Schedule applies (local authority inquiries);
  - “investigation” means –
    - (a) an investigation under Part 1 of the Coroners and Justice Act 2009,
    - (b) an investigation by the procurator fiscal under section 1(1)(a) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2),
    - (c) an inquiry under that Act,

- (d) an inquest under the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)), or
  - (e) an investigation specified, or of a description specified, in regulations under paragraph 8(1) of Schedule 1;
- “position statement”, in relation to an inquiry or investigation, means a statement given by a person setting out their position on matters relevant to the inquiry or investigation; 5
- “public authority” has the meaning given by paragraph 2 of Schedule 2;
- “public official” has the meaning given by paragraph 3 of Schedule 2.
- (2) In this Chapter, references to the individual “in charge” of a public authority are – 10
  - (a) in the case of an authority with a board of directors, to the chief executive;
  - (b) in any other case, to the individual working for the authority who carries out functions corresponding to those of a chief executive (or to each such individual, if there is more than one). 15
- (3) In subsection (2) “chief executive”, in relation to a public authority, means the individual working for the authority who, alone or with one or more others, is responsible under the immediate authority of the board of directors for the general functions of the authority. 20

## CHAPTER 2

### STANDARDS OF ETHICAL CONDUCT

#### 9 Expected standards of ethical conduct

- (1) A public authority must promote and take steps to maintain high standards of ethical conduct at all times by people who work for the authority. 25
- (2) “Ethical conduct” is conduct which is consistent with the following principles –
  - (a) selflessness;
  - (b) integrity;
  - (c) objectivity;
  - (d) accountability; 30
  - (e) openness;
  - (f) honesty;
  - (g) leadership.
- (3) In discharging its duty under subsection (1), a public authority must, in particular – 35
  - (a) adopt a code which sets standards of conduct expected of people who work for the authority (a “code of ethical conduct”),
  - (b) take steps to make those people aware of the code and the consequences for failing to act in accordance with it, and
  - (c) ensure that the code is published (subject to subsection (10)). 40

- (4) A public authority’s code of ethical conduct must (in particular) –
  - (a) set expectations that people who work for the authority should act in accordance with a duty of candour in matters relating to their work;
  - (b) explain the practical ways in which the standards set by the code are to be met; 5
  - (c) set out the disciplinary consequences for failing to act in accordance with the code (including any circumstances where such failure may amount to gross misconduct);
  - (d) otherwise promote ethical conduct, candour, transparency and frankness within all parts of the authority. 10
- (5) A public authority’s code of ethical conduct must also contain information about the following matters –
  - (a) the steps that a person who works for the authority may take if they believe that another person who works for the authority has failed to act in accordance with the code; 15
  - (b) the making of protected disclosures, including information about any policies the authority has adopted in relation to the making of such disclosures;
  - (c) how people who do not work for the authority may complain about the conduct of the authority or of people who work for it, including information about any person other than the authority to whom such complaints may be made. 20
- (6) A public authority may satisfy the requirement in subsection (3)(a) by adopting (with or without modifications) one or more documents prepared by the authority or another person. 25
- (7) A public authority may provide for its code of ethical conduct to apply with modifications –
  - (a) in specified circumstances, or
  - (b) to people of a specified description who work for the authority.
- (8) If a public authority makes provision under subsection (7), it must set out in its code – 30
  - (a) the modifications and circumstances in which, or descriptions of people to which, they apply, and
  - (b) its reasons for making the provision.
- (9) A public authority may from time to time revise its code of ethical conduct. 35
- (10) A public authority may exclude from its published code anything it considers necessary to protect information –
  - (a) relating to an identified or identifiable individual,
  - (b) that is commercially sensitive, or
  - (c) the disclosure of which would be contrary to the public interest. 40
- (11) In subsection (5)(b), “protected disclosure” –

- (a) in relation to England and Wales and Scotland, has the same meaning as in the Employment Rights Act 1996 (see section 43A of that Act);
  - (b) in relation to Northern Ireland, has the same meaning as in the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16) (see Article 67A of that Order).
- (12) In this Chapter “public authority” has the meaning given by Part 3 of Schedule 2.

## 10 Guidance

- (1) The appropriate national authority may issue guidance for the purposes of this Chapter. 10
- (2) A public authority must have regard to any guidance issued under this section that applies to the authority.
- (3) The appropriate national authority must publish any guidance it issues under this section in such manner as it considers appropriate to bring it to the attention of those public authorities to which it applies. 15
- (4) Subsections (1) and (2) of section 22 (meaning of “appropriate national authority” and requirements for Secretary of State to obtain consent) apply to guidance under this section as they apply to regulations under this Act.

## CHAPTER 3

### MISLEADING THE PUBLIC 20

## 11 Offence of misleading the public

- (1) A public authority or public official commits an offence if, in their capacity as such an authority or official –
  - (a) they act with the intention of misleading the public or are reckless as to whether their act will do so, and 25
  - (b) they know, or ought to know, that their act is seriously improper.
- (2) For the purposes of this section an act is seriously improper only if –
  - (a) it meets the condition in subsection (3), and
  - (b) a reasonable person would consider it to be seriously improper, taking account of all the circumstances of the case. 30
- (3) The condition mentioned in subsection (2)(a) is that the act –
  - (a) involved dishonesty that was significant or repeated (whether by means of falsehood, concealment, obfuscation or otherwise) in respect of matters of significant concern to the public,
  - (b) caused, or contributed to causing, harm to one or more other persons, or had the potential to do so, and 35
  - (c) departed significantly from what is to be expected in the proper exercise of the person’s functions as a public authority or public official.

- (4) Nothing in this section applies to an act done—
- (a) by a person in the exercise, or purported exercise, of functions relating to Scottish devolved matters, Welsh devolved matters or Northern Ireland devolved matters;
  - (b) for the purposes of journalism by—
    - (i) a recognised news publisher, within the meaning of Part 3 of the Online Safety Act 2023 (see section 56 of that Act), or
    - (ii) a person in the course of working for such a publisher.
- (5) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (6) It is a defence for a person charged with an offence under this section—
- (a) to prove that the act constituting the offence was necessary for the proper exercise of any function of—
    - (i) an intelligence service, or
    - (ii) the armed forces when engaged on active service, or
  - (b) to show that they otherwise had a reasonable excuse for their act.
- (7) A person is taken to have shown the fact mentioned in subsection (6)(b) if—
- (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (8) In this section—
- “active service” means service in—
    - (a) an action or operation against an enemy,
    - (b) an operation outside the British Islands for the protection of life or property, or
    - (c) the military occupation of a foreign country or territory;
  - “armed forces” means His Majesty’s forces, within the meaning of the Armed Forces Act 2006;
  - “harm” includes physical harm, psychological harm (including distress) and economic loss;
  - “the public” means the public in the United Kingdom and includes a section of the public;
  - “public authority” and “public official” have the meanings given by Part 2 of Schedule 2.
- (9) For further provision in relation to offences under this section, see Schedule 3.

## PART 3

### MISCONDUCT IN PUBLIC OFFICE

#### 12 Seriously improper acts

- (1) A person who holds public office commits an offence if –
  - (a) they use their office to obtain a benefit (whether for themselves or another person) or to cause another person to suffer a detriment, and 5
  - (b) they know, or ought to know, that doing so is a seriously improper act.
- (2) For the purposes of this section –
  - (a) a person “uses” a public office they hold if they use or fail to use a power or position they have (or purport to have) by virtue of the office; 10
  - (b) “benefit” and “detriment” mean any benefit or detriment, whether temporary or permanent, including –
    - (i) financial gain or loss; 15
    - (ii) protection or enhancement of, or damage to, a person’s reputation;
    - (iii) a benefit or detriment of a physical or sexual nature;
  - (c) an act is “seriously improper” if a reasonable person would consider it to be seriously improper. 20
- (3) Where it falls to a jury to determine whether an act is seriously improper for the purposes of this section, they must have regard to the following matters –
  - (a) the extent to which the act involved an intention to mislead or other dishonesty;
  - (b) the extent to which the act involved a conflict of interest or breach of trust, particularly in relation to vulnerable individuals; 25
  - (c) the nature and degree of any benefit obtained by the person (whether for themselves or another person) as a result of the act;
  - (d) the nature and degree of any detriment suffered by another person as a result of the act; 30
  - (e) the extent to which the act had the potential to undermine public confidence in the person’s office, another person exercising public functions or the exercise of public functions in general.
- (4) Subsection (3) does not prevent the jury from having regard to any other matters they consider relevant. 35
- (5) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for their act.
- (6) A person is taken to have shown the fact mentioned in subsection (5) if –
  - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and 40

- (b) the contrary is not proved beyond reasonable doubt.
- (7) A person who commits an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years.
- (8) Proceedings for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.

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### 13 Breach of duty to prevent death or serious injury

- (1) A person who holds public office commits an offence if—
  - (a) by virtue of their office the person is under a duty to prevent, or to prevent a risk of, another person suffering critical harm,
  - (b) the person knows, or ought to know, that they are under the duty,
  - (c) in breach of the duty, the person intentionally or recklessly causes, or creates a significant risk of causing, another person to suffer critical harm, and
  - (d) the act constituting the breach falls far below what could reasonably be expected of the person in the circumstances.
- (2) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for their act.
- (3) A person is taken to have shown the fact mentioned in subsection (2) if—
  - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (4) A person who commits an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- (5) Proceedings for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.
- (6) The matters in subsection (1)(a) are to be determined as questions of law and the judge must make any findings of fact necessary to decide those questions.
- (7) In this section, “critical harm” means—
  - (a) death, or
  - (b) grievous bodily harm, within the meaning of the Offences against the Person Act 1861.

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### 14 Territorial application of sections 12 and 13

- (1) A person may commit an offence under section 12 or 13 by virtue of an act done outside England and Wales (as well as by virtue of an act done in England and Wales), subject to subsection (2).
- (2) A person does not commit an offence under section 12 or 13 by virtue of an act done outside the United Kingdom unless at the time of the act the person is—

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- (a) a United Kingdom national, or
- (b) habitually resident in England and Wales.

## **15 Holders of public office**

- (1) A person “holds public office” for the purposes of this Part if they fall within Schedule 4. 5
- (2) In determining whether a person falls within Schedule 4, it is irrelevant whether or not they receive remuneration in respect of the office they hold.
- (3) The Secretary of State may by regulations amend Schedule 4 so as to—
  - (a) specify further descriptions of holders of public office, or
  - (b) omit or modify a description of a holder of public office, 10unless the regulations contain only provision which relates to Welsh devolved matters.
- (4) The Welsh Ministers may by regulations amend Schedule 4 so as to—
  - (a) specify further descriptions of holders of public office, or
  - (b) omit or modify a description of a holder of public office, 15if the regulations contain only provision which relates to Welsh devolved matters.
- (5) The Secretary of State may not make regulations under subsection (3) without the consent of the Welsh Ministers if the regulations include provision which relates to Welsh devolved matters. 20
- (6) Regulations under subsection (3) or (4) are subject to the affirmative procedure.

## **16 Abolition of common law offence of misconduct in public office**

- (1) The common law offence of misconduct in public office is abolished.
- (2) Subsection (1) does not apply in relation to—
  - (a) any act which was done before the coming into force of this section, 25
  - or
  - (b) any act which began before the coming into force of this section and continues after its coming into force.
- (3) Subsection (1) does not affect—
  - (a) the liability of any person for an offence other than the common law offence of misconduct in public office, or 30
  - (b) the civil liability of any person for the tort of misfeasance in public office.

## **17 Consequential amendments**

- Schedule 5 makes amendments of other legislation that are consequential on this Part. 35

**PART 4****PARTICIPATION OF PERSONS AT INQUIRIES AND INVESTIGATIONS****18 Parity etc at inquiries and investigations**

- (1) Schedule 6 contains amendments to legislation, and other provision –
- (a) requiring public authorities to have regard to guidance setting out principles that promote the need to –
    - (i) act with candour, transparency and frankness in their dealings with UK inquiries and investigations,
    - (ii) support the inquisitorial nature of UK inquiries and investigations,
    - (iii) assist UK inquiries and investigations to meet their objectives, and
    - (iv) help UK inquiries and investigations to facilitate the participation of certain descriptions of persons (“affected persons”);
  - (b) requiring that public authorities engage legal representatives to act for them at UK inquiries and investigations only if, and so far as, necessary and proportionate having regard to –
    - (i) the comparative position of affected persons in respect of their means to engage legal representatives,
    - (ii) the nature and extent of the obligations of public authorities to assist in respect of disclosure and other matters, and
    - (iii) the importance of the issues under investigation and the need for those issues to be investigated fairly, proportionately, expeditiously and cost-effectively;
  - (c) enabling concerns to be raised over the conduct of a public authority or its legal representatives and requiring a response to any such concerns;
  - (d) requiring those conducting or participating in UK inquiries held under the Inquiries Act 2005 and inquests to have regard to an overriding objective aimed at ensuring (among other matters) that affected persons are able to participate fully and effectively in proceedings at the inquiry or inquest;
  - (e) providing for legal aid to be made available, without a means test, to bereaved family members at inquests where a public authority is an interested person.
- (2) In this section –
- “interested person” has the same meaning as in Part 1 of the Coroners and Justice Act 2009 (see section 47 of that Act);
  - “investigation” means an investigation under Part 1 of the Coroners and Justice Act 2009;
  - “public authority” has the same meaning as in Chapter 1 of Part 2 (see paragraph 2 of Schedule 2);

“UK inquiry” means –

- (a) an inquiry under the Inquiries Act 2005, or
- (b) an inquiry to which paragraph 2 of Schedule 1 applies (non-statutory inquiries),

which has been caused to be held by a United Kingdom Minister, 5  
within the meaning given by section 43(1) of the Inquiries Act 2005.

## PART 5

### MISCELLANEOUS AND FINAL PROVISIONS

#### 19 Crown application

- (1) This Act binds the Crown, subject as follows. 10
- (2) No contravention by the Crown of a provision of this Act makes the Crown criminally liable.
- (3) Subsection (2) does not affect the criminal liability of a person that is a servant or agent of the Crown.
- (4) Nothing in this Act affects His Majesty in his private capacity (within the meaning of the Crown Proceedings Act 1947) or otherwise. 15

#### 20 Consequential repeal

Omit section 46 of the Victims and Prisoners Act 2024 (review of duty of candour in relation to major incidents).

#### 21 Power to make consequential provision 20

- (1) The Secretary of State may by regulations make provision that is consequential on this Act or on regulations made under it.
- (2) The Scottish Ministers may by regulations make provision that is consequential on –
  - (a) Part 5 of Schedule 1, or 25
  - (b) regulations under this Act made by the Scottish Ministers.
- (3) The Welsh Ministers may by regulations make provision that is consequential on regulations under this Act made by the Welsh Ministers.
- (4) A Northern Ireland department may by regulations make provision that is consequential on – 30
  - (a) Part 6 of Schedule 1, or
  - (b) regulations under this Act made by that department.
- (5) The power to make regulations under this section includes power to amend, repeal or revoke provision made by an enactment passed or made before the end of the Session in which this Act is passed. 35

- (6) Regulations under this section are subject to the affirmative procedure if they amend, repeal or revoke any provision of –
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of Senedd Cymru, or
  - (d) Northern Ireland legislation.
- (7) Regulations under this section to which subsection (6) does not apply are subject to the negative procedure.

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## 22 Regulations

- (1) The “appropriate national authority”, in relation to regulations under this Act, is –
- (a) the Secretary of State;
  - (b) the Scottish Ministers, if the regulations contain only provision which relates to Scottish devolved matters;
  - (c) the Welsh Ministers, if the regulations contain only provision which relates to Welsh devolved matters;
  - (d) a Northern Ireland department, if the regulations contain only provision which relates to Northern Ireland devolved matters.
- (2) The Secretary of State may not make regulations under this Act containing provision –
- (a) which relates to a Scottish devolved matter, unless the Scottish Ministers have consented to that provision;
  - (b) which relates to a Welsh devolved matter, unless the Welsh Ministers have consented to that provision;
  - (c) which relates to a Northern Ireland devolved matter, unless a Northern Ireland department has consented to that provision.
- (3) A power to make regulations under this Act includes power to make –
- (a) supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes or areas.
- (4) Regulations under this Act made by –
- (a) the Secretary of State, or
  - (b) the Welsh Ministers,
- are to be made by statutory instrument.
- (5) A power of a Northern Ireland department to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (6) Where regulations under this Act made or to be made by the Secretary of State –

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- (a) are subject to the negative procedure, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) are subject to the affirmative procedure, they may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament. 5
- (7) Where regulations under this Act made or to be made by the Welsh Ministers –
  - (a) are subject to the negative procedure, the statutory instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru; 10
  - (b) are subject to the affirmative procedure, they may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) Where regulations under this Act made or to be made by a Northern Ireland department – 15
  - (a) are subject to the negative procedure, they are subject to negative resolution, within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.));
  - (b) are subject to the affirmative procedure, they may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly. 20
- (9) See sections 28 and 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) for the meaning of “the negative procedure” and “the affirmative procedure” in relation to regulations under this Act made or to be made by the Scottish Ministers. 25
- (10) Any provision that may be made by regulations under this Act subject to the negative procedure may be made by regulations subject to the affirmative procedure.
- (11) If a draft of regulations under this Act would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument. 30
- (12) In this section “Secretary of State” includes the Chancellor of the Duchy of Lancaster. 35
- (13) Subsection (2) does not apply to regulations under section 21(1).
- (14) This section does not apply to regulations under section 25.

## 23 General interpretation

- (1) In this Act –
  - “act” includes an omission or a course of conduct (and references to doing an act are to be read accordingly); 40

- “appropriate national authority”, in relation to regulations under this Act, has the meaning given by section 22(1);
- “body” means any entity (whether or not a legal person) other than an individual, including –
- (a) a body corporate (whether or not established in the United Kingdom), 5
  - (b) a corporation sole,
  - (c) a partnership, within the meaning of the Partnership Act 1890,
  - (d) a limited partnership registered under the Limited Partnership Act 1907, 10
  - (e) a firm or other entity of a similar character to one within paragraph (c) or (d) formed under the law of a country or territory outside the United Kingdom, and
  - (f) an unincorporated association;
- “court” includes any tribunal or body exercising the judicial power of the State; 15
- “enactment” includes –
- (a) an enactment comprised in subordinate legislation (as defined in section 21 of the Interpretation Act 1978),
  - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru, 20
  - (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,
  - (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation, and 25
  - (e) assimilated direct legislation;
- “further education provider” means –
- (a) in relation to England and Wales –
    - (i) the proprietor, within the meaning given by section 579(1) of the Education Act 1996, of a 16 to 19 Academy, within the meaning given by section 1B of the Academies Act 2010; 30
    - (ii) the governing body of an institution within the further education sector, within the meaning of the Further and Higher Education Act 1992 (see sections 90 and 91 of that Act); 35
  - (b) in relation to Scotland, a college of further education, within the meaning of the Further and Higher Education (Scotland) Act 2005 (see section 35(1) of that Act);
  - (c) in relation to Northern Ireland, the governing body of an institution of further education, within the meaning of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15) (see Article 2(2) of that Order); 40
- “government department” means any department of His Majesty’s Government; 45

“intelligence service” means each of the Security Service, the Secret Intelligence Service and the Government Communications Headquarters;

“local authority” means –

- (a) in relation to England – 5
  - (i) a county council, district council or parish council,
  - (ii) a London borough council,
  - (iii) the Greater London Authority,
  - (iv) the Common Council of the City of London,
  - (v) the Council of the Isles of Scilly, 10
  - (vi) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, or
  - (vii) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023; 15
- (b) in relation to Scotland, a council for any local government area constituted under section 2(1) of the Local Government etc. (Scotland) Act 1994;
- (c) in relation to Wales, a county council, a county borough council or a community council; 20
- (d) in relation to Northern Ireland, a district council;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“NHS body” –

- (a) in relation to England, has the meaning given by section 275(1) of the National Health Service Act 2006; 25
- (b) in relation to Scotland, means a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978, a Special Health Board constituted under that section or the Common Services Agency for the Scottish Health Service constituted under section 10 of that Act; 30
- (c) in relation to Wales, has the meaning given by section 206(1) of the National Health Service (Wales) Act 2006;
- (d) in relation to Northern Ireland, means any of the health and social care bodies, within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)) (see section 1(5) of that Act); 35

“Northern Ireland devolved authority” means –

- (a) the First Minister and deputy First Minister in Northern Ireland acting jointly, 40
- (b) a Northern Ireland Minister, or
- (c) a Northern Ireland department;

“police force” means –

- (a) a police force maintained under section 2 of the Police Act 1996; 45

- (b) the metropolitan police force;
  - (c) the City of London police force;
  - (d) the Police Service of Scotland;
  - (e) the Police Service of Northern Ireland;
  - (f) the Police Service of Northern Ireland Reserve; 5
  - (g) the British Transport Police Force;
  - (h) the Civil Nuclear Constabulary;
  - (i) the Ministry of Defence Police;
  - (j) the National Crime Agency;
- “policing body” means— 10
- (a) a police and crime commissioner;
  - (b) the Mayor's Office for Policing and Crime;
  - (c) the Common Council of the City of London as police authority for the City of London police area;
  - (d) the Scottish Police Authority; 15
  - (e) the Northern Ireland Policing Board;
  - (f) the British Transport Police Authority;
  - (g) the Civil Nuclear Police Authority;
  - (h) the Secretary of State, in relation to the Ministry of Defence Police; 20
- “regular or reserve forces” has the meaning given by section 374 of the Armed Forces Act 2006, and includes an association established for the purposes of Part 11 of the Reserve Forces Act 1996;
- “school” means—
- (a) in relation to England and Wales, the proprietor, within the meaning given by section 579(1) of the Education Act 1996, of— 25
    - (i) a maintained school, within the meaning of the School Standards and Framework Act 1998 (see section 20(7) of that Act), or 30
    - (ii) an Academy School, within the meaning given by section 1A of the Academies Act 2010;
  - (b) in relation to Scotland, the managers of a grant-aided school, within the meaning given by the Education (Scotland) Act 1980 (see section 135 of that Act); 35
  - (c) in relation to Northern Ireland, the Board of Governors of a grant-aided school, within the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));
- “United Kingdom national” means— 40
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who, under the British Nationality Act 1981, is a British subject, or



- (c) a British protected person, within the meaning of that Act.
- (2) References in this Act to “the person leading” an inquiry or investigation are to –
- (a) in the case of an inquiry under the Inquiries Act 2005, the chair of the inquiry; 5
  - (b) in the case of an investigation under Part 1 of the Coroners and Justice Act 2009, the senior coroner who is conducting the investigation;
  - (c) in the case of an investigation by the procurator fiscal under section 1(1)(a) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), the procurator fiscal; 10
  - (d) in the case of an inquiry under that Act, the sheriff who is conducting the inquiry;
  - (e) in the case of an inquest under the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)), the coroner who is holding the inquest;
  - (f) in any other case, the person with overall responsibility for the conduct of the inquiry or investigation (or, if there is more than one such person, any one of them). 15
- (3) For the purposes of this Act, a person “works for” another (A) if –
- (a) the person works under a contract of employment with A;
  - (b) the person works under a contract of apprenticeship with A; 20
  - (c) the person works under a contract to do work personally with A;
  - (d) in England and Wales or Scotland, the person is an agency worker, within the meaning of the Agency Workers Regulations 2010 (S.I. 2010/93), in respect of whom A is the hirer, within the meaning of those regulations; 25
  - (e) in Northern Ireland, the person is an agency worker, within the meaning of the Agency Workers Regulations (Northern Ireland) 2011 (S.R. 2011/350), in respect of whom A is the hirer, within the meaning of those regulations;
  - (f) where A is a police force, the person is in relation to A – 30
    - (i) a member, constable or special constable, or
    - (ii) a community support volunteer or policing support volunteer designated under section 38 of the Police Reform Act 2002;
  - (g) the person is in Crown employment under or for the purposes of A;
  - (h) the person otherwise exercises functions on behalf of A. 35
- (4) In subsection (3)(g) “Crown employment” –
- (a) in relation to England and Wales and Scotland, has the meaning given by section 191(3) of the Employment Rights Act 1996,
  - (b) in relation to Northern Ireland, has the meaning given by Article 236(3) of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)), 40
- and includes service as a member of the regular or reserve forces and employment by an association established for the purposes of Part 11 of the Reserve Forces Act 1996.

- (5) For the purposes of this Act –
- (a) something relates to Scottish devolved matters so far as it relates to any matter provision about which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament; 5
  - (b) something relates to Welsh devolved matters so far as it relates to any matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006); 10
  - (c) something relates to Northern Ireland devolved matters so far as it relates to any matter provision about which –
    - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and 15
    - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998. 20

## 24 Extent

- (1) Except as provided by subsection (2) –
  - (a) Part 1, Chapters 1 and 2 of Part 2 and this Part extend to England and Wales, Scotland and Northern Ireland;
  - (b) Chapter 3 of Part 2, and Parts 3 and 4, extend to England and Wales only. 25
- (2) Any amendment or repeal made by this Act has the same extent within the United Kingdom as the provision amended or repealed.

## 25 Commencement

- (1) This Part comes into force on the day on which this Act is passed. 30
- (2) The rest of this Act comes into force –
  - (a) for the purposes of making regulations, on the day on which this Act is passed;
  - (b) for remaining purposes, on such day as the appropriate authority may by regulations (or, if the appropriate authority is the Department of Justice in Northern Ireland, by order) appoint; and different days may be appointed for different purposes or areas. 35
- (3) The appropriate authority may by regulations (or, if the appropriate authority is the Department of Justice in Northern Ireland, by order) make transitional or saving provision in connection with the coming into force of any provision of this Act. 40

- (4) The power to make regulations or an order under subsection (3) includes power to make different provision for different purposes or areas.
- (5) In this section “the appropriate authority” means—
  - (a) except as provided by paragraph (b) or (c), the Secretary of State;
  - (b) in the case of regulations that bring into force Part 5 of Schedule 1, the Scottish Ministers; 5
  - (c) in the case of an order that brings into force Part 6 of Schedule 1, the Department of Justice in Northern Ireland.
- (6) Regulations under this section made by the Secretary of State are to be made by statutory instrument. 10
- (7) An order under this section made by the Department of Justice in Northern Ireland is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) In this section “Secretary of State” includes the Chancellor of the Duchy of Lancaster. 15

## **26 Short title**

This Act may be cited as the Public Office (Accountability) Act 2025.

## SCHEDULES

### SCHEDULE 1

Section 2

#### APPLICATION OF DUTY OF CANDOUR AND ASSISTANCE

#### PART 1

#### INQUIRIES UNDER THE INQUIRIES ACT 2005

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1 (1) The Inquiries Act 2005 is amended as follows.

(2) After section 23 insert—

**“23A Duty of candour and assistance: directions**

(1) As soon as reasonably practicable after the start of an inquiry, the chair of the inquiry must (subject to subsections (9) and (10)) give a compliance direction— 10

(a) to a public authority or public official, or

(b) to a person who had a relevant public responsibility in connection with an incident to which the inquiry relates,

if it appears to the chair that the person’s acts are or may be relevant to the inquiry or that they otherwise have information likely to be relevant. 15

(2) Subsection (1) does not limit the power of the chair to give a compliance direction at any other time during the course of the inquiry. 20

(3) Where a compliance direction is given to a public authority or to a body within subsection (1)(b), a compliance direction must also be given to the individual appearing to the chair to be in charge of that authority or body.

(4) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by— 25

(a) section 2(4) of the Public Office (Accountability) Act 2025, and

(b) in the case of a direction given to an individual under subsection (3), section 2(5) of that Act. 30

(5) A compliance direction—

(a) must be given in writing;

(b) must set out the terms of reference of the inquiry;

(c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with); 35

- (d) may be varied, supplemented or revoked by the giving of a further direction.
- (6) In determining the objectives of the inquiry for the purposes of complying with the duty of candour and assistance under section 2(4) of the Public Office (Accountability) Act 2025, regard is to be had (in particular) to the inquiry’s terms of reference as set out in the compliance direction. 5
- (7) Subsections (3) to (5) of section 21 apply to a compliance direction as they apply to a notice under that section.
- (8) The duty of candour and assistance does not require a person to give, produce or provide any evidence, document or other thing that— 10
  - (a) they could not be required to give, produce or provide under section 21 by virtue of the application of section 22(1) (privileged information etc), or 15
  - (b) they are permitted or required to withhold on grounds of public interest immunity (see section 22).
- (9) A requirement under this section to give a person a compliance direction in respect of an inquiry does not require or authorise the imposition of any requirement that could not be imposed in the exercise of a power to give such a direction by virtue of section 27(3), 28(3) and (4), 29(3) and (4) or 30(4) and (6). 20
- (10) A compliance direction may not be given to a public official if it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in response to a direction given in breach of this subsection (but this section otherwise applies to an intelligence service as it applies to other public authorities). 25
- (11) A person ceases to be subject to the duty of candour and assistance when the inquiry to which it relates ends. 30
- (12) In this section—
  - (a) the following terms have the same meanings as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025—  
“body”; 35  
“duty of candour and assistance”;  
“intelligence service”;  
“public authority”;  
“public official”;
  - (b) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4 of that Act; 40

- (c) the reference to the individual “in charge” of a public authority or other body is to be read in accordance with section 8(2) and (3) of that Act.”
- (3) In each of the following provisions, after “section 21” insert “or 23A” –
  - (a) section 27(3) (limitation of section 21 powers in relation to United Kingdom inquiries); 5
  - (b) section 28(3) (limitation of section 21 powers in relation to Scottish inquiries);
  - (c) section 29(3) (limitation of section 21 powers in relation to Welsh inquiries); 10
  - (d) section 30(4) and (6) (limitation of section 21 powers in relation to Northern Ireland inquiries).
- (4) In section 35 (offences), after subsection (8) insert –
  - “(9) In the case of a person to whom a direction under section 23A is given, see section 5 of the Public Office (Accountability) Act 2025 (offence of failing to comply with duty of candour and assistance).” 15
- (5) In section 36 (enforcement by High Court or Court of Session), in subsection (1)(a) for “or 21” substitute “, 21 or 23A”.

## PART 2

### NON-STATUTORY INQUIRIES 20

- 2 (1) This paragraph applies where –
  - (a) a Minister has caused a non-statutory inquiry to be held,
  - (b) the inquiry’s functions include the delivery of a report to the Minister with a view to its publication, and
  - (c) the Minister has given written confirmation to the person leading the inquiry (“the chair”) that it appears to the Minister that the inquiry relates to a case where – 25
    - (i) particular events have caused, or are capable of causing, public concern, or
    - (ii) there is public concern that particular events have occurred. 30
- (2) As soon as reasonably practicable after the start of the inquiry, the chair must (subject to sub-paragraphs (10) and (11)) give a compliance direction –
  - (a) to a public authority or public official, or
  - (b) to a person who had a relevant public responsibility in connection with an incident to which the inquiry relates, 35

if it appears to the chair that the person’s acts are or may be relevant to the inquiry or that they otherwise have information likely to be relevant.
- (3) Sub-paragraph (2) does not limit the power of the chair to give a compliance direction at any other time during the course of the inquiry.

- (4) Where a compliance direction is given to a public authority or body within sub-paragraph (2)(b), a compliance direction must also be given to the individual appearing to the chair to be in charge of that authority or body.
- (5) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by – 5
  - (a) section 2(4), and
  - (b) in the case of a direction given to an individual under sub-paragraph (4), section 2(5).
- (6) A compliance direction – 10
  - (a) must be given in writing;
  - (b) must set out the terms of reference of the inquiry;
  - (c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with);
  - (d) may be varied, supplemented or revoked by the giving of a further direction. 15
- (7) In determining the objectives of the inquiry for the purposes of complying with the duty of candour and assistance under section 2(4), regard is to be had (in particular) to the inquiry’s terms of reference as set out in the compliance direction. 20
- (8) The reference to a report in sub-paragraph (1)(b) is to a report that sets out – 25
  - (a) the facts determined by the chair, and
  - (b) the recommendations of the chair (where the inquiry’s terms of reference require the chair to make recommendations).
- (9) The provisions of the Inquiries Act 2005 (“the 2005 Act”) listed in the first column of the Table apply, to the extent specified in the corresponding entry in the second column, to a non-statutory inquiry in relation to which the duty of candour and assistance applies by virtue of this paragraph as they apply to an inquiry under the 2005 Act – 30

<i>Provision of 2005 Act</i>	<i>Extent of application</i>	
Section 17(1) and (2) (evidence and procedure)	Apply only in relation to procedure and conduct of inquiry so far as relating to requirements imposed under the duty of candour and assistance	35
Sections 19 and 20 (restrictions on public access etc)	Apply only in relation to restrictions imposed in respect of evidence etc given in compliance with the duty of candour and assistance	
Section 21(3) to (5) (contents of, and challenges to, notices)	Apply to a compliance direction as they apply to a notice under section 21 of the 2005 Act	40

<i>Provision of 2005 Act</i>	<i>Extent of application</i>	
Section 22(1) (privileged information etc)	Applies in respect of evidence etc given under the duty of candour and assistance as it applies to evidence etc given under section 21 of the 2005 Act	5
Section 22(2) (public interest immunity)	Applies only in relation to evidence or documents that would otherwise be required to be produced under the duty of candour and assistance	
Section 23 (risk of damage to the economy)	Applies to information that is provided in compliance with the duty of candour and assistance	10
Section 27(3) and (4) (United Kingdom inquiries)	Apply in respect of the power to give a compliance direction as they apply in respect of the power to give a notice under section 21 of the 2005 Act	15
Section 28(3) and (4) (Scottish inquiries)	Apply in respect of the power to give a compliance direction as they apply in respect of the power to give a notice under section 21 of the 2005 Act	20
Section 29(3) and (4) (Welsh inquiries)	Apply in respect of the power to give a compliance direction as they apply in respect of the power to give a notice under section 21 of the 2005 Act	
Section 30(4) to (6) (Northern Ireland inquiries)	Apply in respect of the power to give a compliance direction as they apply in respect of the power to give a notice under section 21 of the 2005 Act	25
Section 36 (enforcement by High Court or Court of Session)	Applies to a failure to comply etc with a compliance direction as it applies to a failure etc to comply with a notice under section 21 of the 2005 Act.	30
<hr/>		
(10) The requirement under this paragraph to give a person a compliance direction does not require or authorise the imposition of any requirement that could not be imposed in the exercise of a power to give such a direction by virtue of the application by sub-paragraph (9) of a provision of the 2005 Act.		35
(11) A compliance direction may not be given to a public official if it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in		40



- response to a direction given in breach of this sub-paragraph (but this paragraph otherwise applies to an intelligence service as it applies to other public authorities).
- (12) A person ceases to be subject to the duty of candour and assistance when the inquiry to which it relates comes to an end (and in determining when a non-statutory inquiry comes to an end, section 14 of the 2005 Act applies as it applies to an inquiry under that Act). 5
- (13) In this paragraph—
- (a) references to a non-statutory inquiry are to an inquiry (however described) that is held otherwise than under the 2005 Act or another enactment; 10
  - (b) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4;
  - (c) the following terms have the same meanings as in the 2005 Act— 15
    - “Minister” (see section 1(2) of that Act);
    - “terms of reference” (see section 5(6) of that Act).
- 3 (1) This paragraph applies in relation to the giving of a compliance direction under paragraph 2 to a person.
- (2) The direction may be given to the person by— 20
  - (a) delivering a copy of it to the person,
  - (b) leaving a copy of it at the person’s proper address,
  - (c) sending a copy of it by post to the person at that address, or
  - (d) sending a copy of it by email to the person’s email address.
- (3) A direction to a body corporate may be given in accordance with sub-paragraph (2) to any officer of that body. 25
- (4) A direction to a partnership may be given in accordance with sub-paragraph (2) to any partner or to a person who has the control or management of the partnership business.
- (5) A direction to a body that is not a legal person under the law under which it is formed (other than a partnership) may be given in accordance with sub-paragraph (2) to any member of its governing body. 30
- (6) The person’s proper address is—
- (a) in the case of a body that has a registered or principal office, the address of that office; 35
  - (b) in any other case, any address at which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom the direction is being given.
- (7) In the case of a body registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in sub-paragraph (6) to its principal office includes— 40
  - (a) its principal office in the United Kingdom, or

- (b) if the body has no principal office in the United Kingdom, any place in the United Kingdom at which the person giving the direction reasonably believes that the direction will come to the attention of any director or other officer of that body.
- (8) For the purposes of sub-paragraph (2)(d), a person’s email address is— 5
  - (a) any email address published for the time being by the person as an address for contacting them, or
  - (b) if there is no such published address, any email address by means of which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom it is given or (where that person is a body) any director or other officer of that body. 10
- (9) In this paragraph— 15
  - “director” includes any person occupying the position of a director, by whatever name called;
  - “officer”, in relation to a body, includes a director, a manager, a partner, an associate, a secretary or, where the affairs of the entity are managed by its members, a member.

### PART 3

#### LOCAL AUTHORITY INQUIRIES 20

- 4 (1) This paragraph applies where—
  - (a) a local authority in England has caused an inquiry (however described) to be established,
  - (b) the terms of reference of the inquiry do not require it to determine any fact, or make any recommendation, that is not wholly or primarily concerned with a local authority matter, 25
  - (c) the inquiry’s functions include the delivery of a report to the authority with a view to its publication, and
  - (d) the authority has given written confirmation to the person leading the inquiry (“the chair”) that it appears to the authority that the inquiry is established in connection with an event or series of events in respect of which the condition in sub-paragraph (2) is met. 30
- (2) The condition is that the event (or series of events) caused, or created a significant risk of causing— 35
  - (a) death or serious physical or psychological harm, or
  - (b) substantial economic loss to one or more persons as a result of conduct involving dishonesty, impropriety or a serious breach of ethical or professional standards.
- (3) As soon as reasonably practicable after the start of the inquiry, the chair must (subject to sub-paragraph (11)) give a compliance direction— 40
  - (a) to a public authority or public official, or

- (b) to a person who had a relevant public responsibility in connection with an incident to which the inquiry relates,  
if it appears to the chair that the person’s acts are or may be relevant to the inquiry or that they otherwise have information likely to be relevant.
- (4) Sub-paragraph (3) does not limit the power of the chair to give a compliance direction at any other time during the course of the inquiry. 5
- (5) Where a compliance direction is given to a public authority or body within sub-paragraph (3)(b), a compliance direction must also be given to the individual appearing to the chair to be in charge of that authority or body.
- (6) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by – 10
- (a) section 2(4), and
- (b) in the case of a direction given to an individual under sub-paragraph (5), section 2(5).
- (7) A compliance direction – 15
- (a) must be given in writing;
- (b) must set out the terms of reference of the inquiry;
- (c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with); 20
- (d) may be varied, supplemented or revoked by the giving of a further direction.
- (8) In determining the objectives of the inquiry for the purposes of complying with the duty of candour and assistance under section 2(4), regard is to be had (in particular) to the terms of reference as set out in the compliance direction. 25
- (9) The reference to a report in sub-paragraph (1)(c) is to a report that sets out –
- (a) the facts determined by the chair, and
- (b) the recommendations of the chair (where the purposes of the inquiry include the making of recommendations). 30
- (10) The provisions of the Inquiries Act 2005 (“the 2005 Act”) listed in the first column of the Table apply, to the extent specified in the corresponding entry in the second column, to an inquiry in relation to which the duty of candour and assistance applies by virtue of this paragraph as they apply to an inquiry under the 2005 Act – 35

<i>Provision of 2005 Act</i>	<i>Extent of application</i>	
Section 17(1) and (2) (evidence and procedure)	Apply only in relation to procedure and conduct of inquiry so far as relating to requirements imposed under the duty of candour and assistance	40

<i>Provision of 2005 Act</i>	<i>Extent of application</i>	
Sections 19 and 20 (restrictions on public access etc)	Apply only in relation to restrictions imposed in respect of evidence etc given in compliance with the duty of candour and assistance	5
Section 21(3) to (5) (contents of, and challenges to, notices)	Apply to a compliance direction as they apply to a notice under section 21 of the 2005 Act	
Section 22(1) (privileged information etc)	Applies in respect of evidence etc given under the duty of candour and assistance as it applies to evidence etc given under section 21 of the 2005 Act	10
Section 22(2) (public interest immunity)	Applies only in relation to evidence or documents that would otherwise be required to be produced under the duty of candour and assistance	15
Section 36 (enforcement by High Court or Court of Session)	Applies to a failure to comply etc with a compliance direction as it applies to a failure etc to comply with a notice under section 21 of the 2005 Act.	20
<hr/>		
(11) A compliance direction –		
(a) may be given only –		
(i) in respect of evidence, documents or other things that are wholly or primarily concerned with a local authority matter, or		25
(ii) for the purpose of inquiring into something that is wholly or primarily a local authority matter;		
(b) may not be given so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of His Majesty's Government in the United Kingdom, the Scottish Ministers, the Welsh Ministers or a Northern Ireland Minister (including the First Minister and the deputy First Minister acting jointly);		30
(c) may not be given to a public official if it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in response to a direction given in breach of this prohibition (but this paragraph otherwise applies to an intelligence service as it applies to other public authorities).		35
(12) A person ceases to be subject to the duty of candour and assistance when the inquiry to which it relates comes to an end.		40

- (13) In determining when an inquiry established by a local authority comes to an end for the purposes of sub-paragraph (12), section 14 of the Inquiries Act 2005 applies as it applies to an inquiry under that Act as if—
- (a) references in that section to the Minister were to the authority, and
  - (b) subsection (4)(b) of that section were omitted. 5
- (14) In this paragraph—
- (a) references to a local authority in England do not include a parish council;
  - (b) references to a “local authority matter”, in relation to a local authority, are to any matter— 10
    - (i) which relates to the area of the authority, and
    - (ii) in respect of which the authority exercises functions;
  - (c) “terms of reference”, in relation to an inquiry established by a local authority, means— 15
    - (i) the matters to which the inquiry relates;
    - (ii) any particular matters as to which the chair is to determine the facts;
    - (iii) whether the chair is to make recommendations;
    - (iv) any other matters relating to the scope of the inquiry that the local authority may specify; 20
  - (d) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4.
- (15) Paragraph 3 applies to a compliance direction given under this paragraph as it applies to a compliance direction given under paragraph 2. 25

#### PART 4

##### INVESTIGATIONS UNDER PART 1 OF THE CORONERS AND JUSTICE ACT 2009

- 5 (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In Schedule 5 (powers of coroners), after paragraph 2 insert— 30
- “Duty of candour and assistance: directions
- 2A (1) A senior coroner who is conducting an investigation under this Part must (subject to sub-paragraph (9)) give a compliance direction—
- (a) to a person who is a public authority or public official, or
  - (b) to a person who had a relevant public responsibility in connection with an incident to which the investigation relates, 35
- if the person is an interested person in relation to the investigation.

- (2) Sub-paragraph (1) does not limit the power of the senior coroner to give a compliance direction at any other time during the course of the investigation.
- (3) Where a compliance direction is given to a public authority or a body within sub-paragraph (1)(b), a compliance direction must also be given to the individual appearing to the senior coroner to be in charge of that authority or body, unless the senior coroner considers it would be contrary to the efficient and effective conduct of the investigation. 5
- (4) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by – 10
  - (a) section 2(4) of the Public Office (Accountability) Act 2025, and
  - (b) in the case of a direction given to an individual under sub-paragraph (3), section 2(5) of that Act. 15
- (5) A compliance direction – 20
  - (a) must be given in writing;
  - (b) must set out the purpose of the investigation (see section 5(1));
  - (c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with);
  - (d) may be varied, supplemented or revoked by the giving of a further direction. 25
- (6) In determining the objectives of the investigation for the purposes of complying with the duty of candour and assistance under section 2(4) of the Public Office (Accountability) Act 2025, regard is to be had (in particular) to the purpose set out in the compliance direction. 30
- (7) Sub-paragraphs (3) to (8) of paragraph 1 apply to a compliance direction as they apply to a notice under that paragraph (but for this purpose sub-paragraph (3)(a) of that paragraph applies as if the reference to paragraph 6 of Schedule 6 were a reference to section 5 of the Public Office (Accountability) Act 2025). 35
- (8) The duty of candour and assistance does not require a person to provide any information – 40
  - (a) that they could not be required to provide under paragraph 1 by virtue of the application of paragraph 2(1);
  - (b) that they are permitted or required to withhold on grounds of public interest immunity (see paragraph 2(2)).
- (9) A compliance direction may not be given to a public official if it would require the official to provide information relating to

- security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in response to a direction given in breach of this sub-paragraph (but this paragraph otherwise applies to an intelligence service as it applies to other public authorities). 5
- (10) A person ceases to be subject to the duty of candour and assistance when the investigation to which it relates is completed or discontinued.
- (11) In this paragraph – 10
- (a) the following terms have the same meanings as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 –
- “body”;
- “duty of candour and assistance”;
- “intelligence service”;
- “public authority”;
- “public official”;
- (b) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4 of that Act; 20
- (c) the reference to the individual “in charge” of a public authority or other body is to be read in accordance with section 8(2) and (3) of that Act.”
- (3) In Schedule 6 (offences), in Part 2 (offences relating to witnesses and evidence), after paragraph 9 insert – 25
- “8A In the case of a person to whom a direction under paragraph 2A of Schedule 5 is given, see section 5 of the Public Office (Accountability) Act 2025 (offence of failing to comply with duty of candour and assistance).”

## PART 5

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### INQUIRIES IN SCOTLAND INTO FATAL ACCIDENTS AND SUDDEN DEATHS

- 6 (1) The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) is amended as follows.
- (2) After section 10 (citation of witnesses for precognition) insert –
- “10A Duty of candour and assistance: directions** 35
- (1) This section applies where the procurator fiscal is conducting an investigation under section 1(1)(a) in relation to an inquiry.
- (2) The procurator fiscal must (subject to subsection (13)) give a compliance direction to a person who –
- (a) is a public authority or public official, or 40

- (b) had a relevant public responsibility in connection with an incident to which the inquiry relates,

if the procurator fiscal is satisfied of one or both of the matters in subsection (3).
- (3) The matters are— 5
  - (a) that the person’s acts are or may be relevant to the inquiry to which the investigation relates, or
  - (b) that the person otherwise has information likely to be relevant to the inquiry to which the investigation relates.
- (4) Subsection (2) does not limit the power of the sheriff under section 20A to require the procurator fiscal to give a compliance direction. 10
- (5) Where a compliance direction is given to a public authority or other body within subsection (2)(b), a compliance direction must also be given to the individual appearing to the procurator fiscal to be in charge of that authority or body, unless the procurator fiscal considers it would be contrary to the efficient and effective conduct of the inquiry to which the investigation relates. 15
- (6) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by—
  - (a) section 2(4) of the Public Office (Accountability) Act 2025, and 20
  - (b) in the case of a direction given to an individual under subsection (5), section 2(5) of that Act.
- (7) A compliance direction—
  - (a) must be given in writing; 25
  - (b) must set out the purpose of the inquiry to which the investigation relates;
  - (c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with); 30
  - (d) may be varied, supplemented or revoked by the giving of a further direction.
- (8) In determining the objectives of the inquiry to which the investigation relates for the purposes of complying with the duty of candour and assistance under section 2(4) of the Public Office (Accountability) Act 2025, regard is to be had (in particular) to the purpose set out in the compliance direction. 35
- (9) A compliance direction must—
  - (a) explain the possible consequences of not complying with the direction; 40



- (b) indicate what the person to whom the direction is given should do if they wish to make a claim within subsection (10).
- (10) A claim by a person that—
  - (a) they are unable to comply with a requirement imposed by a compliance direction, or 5
  - (b) it is not reasonable in all the circumstances to require them to comply with such a requirement,

is to be determined by the sheriff, who may revoke or vary the direction on that ground. 10
- (11) In deciding whether to revoke or vary a direction on the ground mentioned in subsection (10)(b), the sheriff must consider the public interest in the assistance in question being given, having regard to the likely importance of the assistance.
- (12) The duty of candour and assistance does not require a person to give, produce or provide any evidence, document or other thing that— 15
  - (a) they could not be required to give, produce or provide under section 21 of the Inquiries Act 2005 by virtue of the application of section 22(1) of that Act (privileged information etc), or 20
  - (b) they would be permitted or required to withhold under the Inquiries Act 2005 on grounds of public interest immunity (see section 22(2) of that Act).
- (13) A compliance direction may not be given to a public official if it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in response to a direction given in breach of this subsection (but this section otherwise applies to an intelligence service as it applies to other public authorities). 25 30
- (14) A person ceases to be subject to the duty of candour and assistance when the inquiry to which the investigation relates ends.
- (15) In this section—
  - (a) the following terms have the same meanings as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025— 35
    - “body”;
    - “duty of candour and assistance”;
    - “intelligence service”;
    - “public authority”;
    - “public official”;

- (b) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4 of that Act;
  - (c) the reference to the individual “in charge” of a public authority or other body is to be read in accordance with section 8(2) and (3) of that Act.” 5
- (3) After section 20 (evidence and witnesses) insert –
- “20A Duty of candour and assistance: further directions**

  - (1) Where an inquiry is, or is to be, held, the sheriff may (subject to section 10A(13) as applied by subsection (4) below) require the procurator fiscal to give a compliance direction to a person who – 10
    - (a) is a public authority or public official, or
    - (b) had a relevant public responsibility in connection with an incident to which the inquiry relates,
 if the condition in subsection (2) is met. 15
  - (2) The condition in this subsection is met if –
    - (a) the person is a participant in the inquiry, or
    - (b) the person is cited to attend and give evidence at the inquiry by virtue of a warrant granted under section 15(3)(b).
  - (3) Where a compliance direction is given to a public authority or other body within subsection (1)(b), a compliance direction must also be given to the individual appearing to the sheriff to be in charge of that authority or body, unless the sheriff considers it would be contrary to the efficient and effective conduct of the inquiry. 20 25
  - (4) Subsections (6) to (15) of section 10A apply for the purposes of this section as they apply for the purposes of that section (disregarding references to the procurator fiscal’s investigation).”

## PART 6

### INVESTIGATIONS UNDER THE CORONERS ACT (NORTHERN IRELAND) 1959 30

- 7 (1) The Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) is amended as follows.
- (2) After section 17B insert –

**“17BA Application of the duty of candour and assistance**

- (1) A coroner who is making an investigation to determine whether or not an inquest is necessary, or who proceeds to hold an inquest, must give a compliance direction (subject to subsection (9)) – 35
  - (a) to a public authority or public official, or

- (b) to a person who had a relevant public responsibility in connection with an incident to which the investigation relates, if the person is a properly interested person in the inquest.
- (2) Subsection (1) does not limit the power of the coroner to give a compliance direction at any other time during the course of the inquest. 5
- (3) Where a compliance direction is given to a public authority or other body within subsection (1)(b), a compliance direction must also be given to the individual appearing to the coroner to be in charge of that authority or body, unless the coroner considers it would be contrary to the efficient and effective conduct of the inquest. 10
- (4) A “compliance direction” is a direction to comply with the obligations under the duty of candour and assistance imposed by –
  - (a) section 2(4) of the Public Office (Accountability) Act 2025, and 15
  - (b) in the case of a direction given to an individual under subsection (3), section 2(5) of that Act.
- (5) A compliance direction –
  - (a) must be given in writing;
  - (b) must set out the purposes of the investigation or inquest; 20
  - (c) may specify particular requirements to be complied with (and for that purpose may specify the form and manner in which, and the period within which, those requirements are to be complied with);
  - (d) may be varied, supplemented or revoked by the giving of a further direction. 25
- (6) In determining the objectives of the investigation or inquest for the purposes of complying with the duty of candour and assistance under section 2(4) of the Public Office (Accountability) Act 2025, regard is to be had (in particular) to the purposes set out in the compliance direction. 30
- (7) Subsections (3) to (5) of section 17A apply to a compliance direction as they apply to a notice under that section (but for this purpose subsection (3)(a) of that section applies as if the reference to subsection (6) of that section were a reference to section 5 of the Public Office (Accountability) Act 2025). 35
- (8) The duty of candour and assistance does not require a person to provide any information –
  - (a) that they could not be required to provide under section 17A by virtue of the application of section 17B(2); 40
  - (b) that they are permitted or required to withhold on grounds of public interest immunity (see section 17B(3)).

- (9) A compliance direction may not be given to a public official if it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989, and a public official is not required to provide any such information in response to a direction given in breach of this subsection (but this section otherwise applies to an intelligence service as it applies to other public authorities). 5
- (10) A person ceases to be subject to the duty of candour and assistance from such time as the inquest or (if there is no inquest) investigation to which the direction relates is completed. 10
- (11) In this section –
- (a) the following terms have the same meanings as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 –
    - “body”;
    - “duty of candour and assistance”;
    - “intelligence service”;
    - “public authority”;
    - “public official”;
  - (b) the reference to a “properly interested person” is a reference to a person designated as such in rules made under section 36(1)(b) of this Act; 20
  - (c) the reference to a person who had a relevant public responsibility in connection with an incident is to be read in accordance with section 4 of Public Office (Accountability) Act 2025; 25
  - (d) the reference to the individual “in charge” of a public authority or other body is to be read in accordance with section 8(2) and (3) of that Act.”
- (3) In section 17C (offences relating to evidence), after subsection (6) insert –
- “(7) In the case of a person to whom a direction under section 17BA is given, see section 5 of the Public Office (Accountability) Act 2025 (offence of failing to comply with duty of candour and assistance).” 30

## PART 7

### POWER TO EXTEND DUTY TO OTHER INVESTIGATIONS

- 8 (1) The appropriate national authority may by regulations make provision for the purpose of requiring or enabling the duty of candour and assistance to be applied to a public authority or public official in respect of – 35
- (a) a specified investigation, or
  - (b) investigations of a specified description.
- (2) An investigation or description of investigation may be specified in regulations under sub-paragraph (1) only if it is of one (or more) of the following kinds – 40

- (a) a criminal investigation;
    - (b) a regulatory or supervisory investigation;
    - (c) an investigation into the provision of public services;
    - (d) an investigation into the exercise of public functions.
- (3) Regulations under this paragraph may also include provision requiring or enabling the duty of candour and assistance to be applied to a person who –
  - (a) is not a public authority or public official, but
  - (b) had a relevant public responsibility in connection with an incident (read in accordance with section 4),so far as that incident is or could be subject to the investigation or description of investigation specified in the regulations.
- (4) Regulations under this paragraph must include provision to secure that –
  - (a) a person is not required to do anything under the duty of candour and assistance if the person could not be required to do that thing in civil proceedings before the High Court or, in Scotland, the Court of Session;
  - (b) the rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity are applied in relation to the application of the duty of candour and assistance in respect of the investigation, or description of investigation, as they apply in relation to civil proceedings before the High Court or, in Scotland, the Court of Session;
  - (c) the duty of candour and assistance is not applied in the case of a public official so far as it would require the official to provide information relating to security or intelligence, within the meaning given by section 1(9) of the Official Secrets Act 1989.
- (5) Regulations under this paragraph may –
  - (a) confer functions on a person (including functions involving the exercise of a discretion);
  - (b) provide for exceptions from, or modifications to, the duty of candour and assistance as applied under the regulations;
  - (c) make provision by –
    - (i) applying (with or without modifications) an enactment (including an enactment contained in this Part), or
    - (ii) amending, repealing or revoking an enactment;
  - (d) apply in relation to investigations whether beginning before or after the coming into force of the regulations.
- (6) Regulations under this paragraph, other than regulations to which paragraph 9 applies (which addresses the making of regulations under sub-paragraph (1)(a) in urgent cases), are subject to the affirmative procedure.
- (7) In this paragraph –

“criminal investigation” means an investigation of any criminal conduct, and for this purpose “criminal conduct” means conduct which

- constitutes an offence under the law of any part of the United Kingdom;
- “investigation” includes any form of examination, inquiry or inquest;
- “public function” means any function of a public nature;
- “public services” means any service provided to, or the performance of any power or duty in relation to, a person by a public authority; 5
- “regulatory or supervisory investigation” means an investigation carried out under a power conferred by an enactment that is exercisable in connection with—
- (a) the regulation of persons or activities, or 10
- (b) the checking or monitoring of compliance with professional or other standards.
- 9 (1) This paragraph applies to regulations under paragraph 8 made by the appropriate national authority which—
- (a) include provision made by virtue of sub-paragraph (1)(a) of that paragraph in relation to a specified investigation, and 15
- (b) contain a statement made by the authority that, by reason of urgency, it is necessary to make the regulations without a draft being laid and approved in accordance with the affirmative procedure. 20
- (2) Where this paragraph applies to regulations made by the Secretary of State—
- (a) the statutory instrument containing the regulations must be laid before Parliament as soon as reasonably practicable after being made, and 25
- (b) the regulations cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (3) Where this paragraph applies to regulations made by the Scottish Ministers— 30
- (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply to the regulations,
- (b) the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as reasonably practicable after being made, and 35
- (c) the regulations cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the Scottish Parliament. 40
- (4) Where this paragraph applies to regulations made by the Welsh Ministers—
- (a) the statutory instrument containing the regulations must be laid before the Senedd as soon as reasonably practicable after being made, and

- (b) the regulations cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the Senedd.
- (5) Where this paragraph applies to regulations made by a Northern Ireland department, the regulations –
  - (a) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made, and
  - (b) cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Assembly.
- (6) In calculating the period of 40 days –
  - (a) for the purposes of sub-paragraph (2)(b), no account is to be taken of any time during which –
    - (i) Parliament is dissolved or prorogued, or
    - (ii) either House of Parliament is adjourned for more than four days;
  - (b) for the purposes of sub-paragraph (3)(c), no account is to be taken of any time during which the Scottish Parliament is –
    - (i) dissolved, or
    - (ii) in recess for more than four days;
  - (c) for the purposes of sub-paragraph (4)(b), no account is to be taken of any time during which the Senedd is –
    - (i) dissolved, or
    - (ii) in recess for more than four days;
  - (d) for the purposes of sub-paragraph (5)(b) no account is to be taken of any time during which the Northern Ireland Assembly is –
    - (i) dissolved,
    - (ii) in recess for more than 4 days, or
    - (iii) adjourned for more than 6 days.
- (7) If regulations cease to have effect as a result of this paragraph that does not –
  - (a) affect the validity of anything previously done under the regulations, or
  - (b) prevent the making of new regulations.

## SCHEDULE 2

Sections 8, 9 and 11

### MEANING OF “PUBLIC AUTHORITY” AND “PUBLIC OFFICIAL” ETC

#### PART 1

##### INTRODUCTORY

- |   |   |    |
|---|---|----|
| 1 | (1) This Schedule contains provision about the meaning of “public authority” and “public official” for the purposes of Part 2 of this Act.                        | 5  |
|   | (2) Part 2 of this Schedule defines “public authority” and “public official” for the purposes of Chapters 1 and 3 of Part 2 and contains other related provision. |    |
|   | (3) Part 3 of this Schedule defines “public authority” for the purposes of Chapter 2 of Part 2 and contains other related provision.                              | 10 |

#### PART 2

##### “PUBLIC AUTHORITY” AND “PUBLIC OFFICIAL” IN CHAPTERS 1 AND 3 OF PART 2

##### *Public authority*

- |   |   |    |
|---|---|----|
| 2 | (1) In Chapters 1 and 3 of Part 2, “public authority” means—  | 15 |
|   | <ul style="list-style-type: none"> <li>(a) a government department,</li> <li>(b) a Minister of the Crown,</li> <li>(c) the Scottish Ministers,</li> <li>(d) the Welsh Ministers,</li> <li>(e) a Northern Ireland devolved authority,</li> <li>(f) any of the regular or reserve forces,</li> <li>(g) a police force or policing body,</li> <li>(h) a local authority,</li> <li>(i) an NHS body,</li> <li>(j) a school or further education provider, or</li> <li>(k) any other body that comes within sub-paragraph (2).</li> </ul> | 20 |
|   | (2) A body comes within this sub-paragraph if—  |    |
|   | <ul style="list-style-type: none"> <li>(a) it is not an excluded body, and</li> <li>(b) its functions— <ul style="list-style-type: none"> <li>(i) are functions of a public nature, or</li> <li>(ii) include functions of a public nature.</li> </ul> </li> </ul>   | 30 |
|   | (3) But a body within sub-paragraph (2)(b)(ii) is a public authority only to the extent of its functions of a public nature.  |    |
|   | (4) The following are excluded bodies—  |    |
|   | <ul style="list-style-type: none"> <li>(a) a court;</li> <li>(b) either House of Parliament;</li> <li>(c) the Scottish Parliament;</li> </ul>   | 35 |



- (d) Senedd Cymru;
  - (e) the Northern Ireland Assembly;
  - (f) an implementation body, within the meaning given by section 55(3) of the Northern Ireland Act 1998.
- (5) Anything done purportedly by a body that is a government department, although in law done by the Crown or by the holder of a particular office, is to be treated for the purposes of Chapters 1 and 3 of Part 2 as done by the department itself. 5
- (6) References in Chapters 1 and 3 of Part 2 to a public authority include references to a body which was, but is no longer, such an authority. 10

*Public official*

- 3 (1) In Chapters 1 and 3 of Part 2, “public official” means (subject to sub-paragraph (6)) an individual who –
- (a) works for a public authority (see section 23(3)),
  - (b) otherwise holds office under a public authority, or 15
  - (c) does not fall within paragraph (a) or (b) but holds a relevant public office.
- (2) But an individual is a public official only to the extent of their functions as such an official.
- (3) An individual holds a “relevant public office” if the individual – 20
- (a) is –
    - (i) a member of a body, or holder of an office, in respect of which the conditions in both of sub-paragraphs (4) and (5) are met, or
    - (ii) works for such a body or office, and 25
  - (b) exercises functions of a public nature by virtue of falling within paragraph (a).
- (4) The condition in this sub-paragraph is that the body or office is not a public authority but –
- (a) is established by virtue of His Majesty’s prerogative, 30
  - (b) is established by an enactment, or
  - (c) is established in any other way by a Minister of the Crown, a government department, the Scottish Ministers, the Welsh Ministers or a Northern Ireland devolved authority.
- (5) The condition in this sub-paragraph is that – 35
- (a) in the case of a body, the body is wholly or mainly constituted by appointment made by the Crown or by a person mentioned in sub-paragraph (4)(c);
  - (b) in the case of an office, appointments to the office are made by the Crown or by a person mentioned in sub-paragraph (4)(c). 40

- (6) An individual is not to be regarded as a public official for the purposes of Chapters 1 and 3 of Part 2 solely by virtue of—
  - (a) acting in a judicial capacity or acting on the instructions of, or on behalf of, an individual acting in a judicial capacity;
  - (b) being employed in the civil service of the State, if they meet the condition in sub-paragraph (7); 5
  - (c) serving as an elected member of a local authority, unless sub-paragraph (8), (10) or (11) applies;
  - (d) holding an honour or dignity conferred by, or being in the private service of, the Crown. 10
- (7) The condition referred to in sub-paragraph (6)(b) is that the individual—
  - (a) was appointed to the civil service of the State for the purpose only of exercising functions wholly outside the United Kingdom, and
  - (b) exercises all of their functions wholly outside the United Kingdom.
- (8) This sub-paragraph applies if— 15
  - (a) the local authority is a local authority in England, Wales or Northern Ireland that operates executive arrangements, and
  - (b) the individual is a member of the authority’s executive.
- (9) In sub-paragraph (8) “executive” and “executive arrangements”—
  - (a) in relation to a local authority in England, have the same meanings as in Part 1A of the Local Government Act 2000; 20
  - (b) in relation to a local authority in Wales, have the same meanings as in Part 2 of that Act;
  - (c) in relation to a local authority in Northern Ireland, have the same meanings as in Parts 5 and 6 of the Local Government Act (Northern Ireland) 2014 (c. 8 (N.I.)). 25
- (10) This sub-paragraph applies if the local authority is an authority in England that is a combined authority or a combined county authority.
- (11) This sub-paragraph applies if—
  - (a) the local authority is the Greater London Authority, and 30
  - (b) the individual is the Mayor of London or the Deputy Mayor of London.
- (12) References in Chapters 1 and 3 of Part 2 to a public official include references to an individual who was, but is no longer, such an official.

### PART 3

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#### “PUBLIC AUTHORITY” IN CHAPTER 2 OF PART 2

- 4 (1) In Chapter 2 of Part 2, “public authority” means—
  - (a) a government department,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers, 40
  - (d) a Northern Ireland devolved authority,

- (e) any of the regular or reserve forces,
  - (f) a police force or policing body,
  - (g) a local authority,
  - (h) an NHS body,
  - (i) a school or further education provider, or 5
  - (j) any other body that meets the condition in sub-paragraph (2) or (3) and is not an excluded body.
- (2) A body meets the condition in this sub-paragraph if –
- (a) it is established –
    - (i) by virtue of His Majesty’s prerogative, 10
    - (ii) by an enactment, or
    - (iii) in any other way by a Minister of the Crown, a government department, the Scottish Ministers, the Welsh Ministers or a Northern Ireland devolved authority, and
  - (b) it is wholly or mainly constituted by appointment made by the 15 Crown or by a person mentioned in paragraph (a)(iii).
- (3) A body meets the condition in this sub-paragraph if it exercises specified public functions (but is a public authority for the purposes of Chapter 2 of Part 2 only to the extent of those functions).
- (4) For the purposes of sub-paragraph (3), “specified public functions” means 20 functions of a public nature of a description specified in regulations made by the appropriate national authority.
- (5) Regulations under sub-paragraph (4) are subject to the affirmative procedure.
- (6) Each of the following is an “excluded body” for the purposes of 25 sub-paragraph (1)(j) –
- (a) a court;
  - (b) either House of Parliament;
  - (c) the Scottish Parliament;
  - (d) Senedd Cymru; 30
  - (e) the Northern Ireland Assembly;
  - (f) an implementation body, within the meaning given by section 55(3) of the Northern Ireland Act 1998.

## SCHEDULE 3

Sections 5 and 11

### OFFENCES UNDER PART 2: RELATED PROVISION

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#### *Limits on extra-territorial jurisdiction for offences under section 5 or 11*

- 1 (1) A person does not commit an offence under section 5 or 11 by virtue of an act done outside the United Kingdom (in the case of an offence under

section 5) or England and Wales (in the case of an offence under section 11) unless at the time of the act the person is –

- (a) a United Kingdom national,
- (b) an individual who is habitually resident in the United Kingdom, or
- (c) a body incorporated, or otherwise formed, under the law of any part of the United Kingdom.

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(2) Where an offence under section 5 is committed outside the United Kingdom –

- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

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(3) In the application of sub-paragraph (2) to Scotland, any such proceedings against a person may be taken –

- (a) in any sheriff court district in which the person is apprehended or is in custody, or
- (b) in such sheriff court district as the Lord Advocate may determine.

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(4) In sub-paragraph (3) “sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

#### *Consent for prosecutions*

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2 (1) Proceedings for an offence under section 5 may be brought –

- (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
- (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

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(2) Proceedings for an offence under section 11 may be brought only by or with the consent of the Director of Public Prosecutions.

#### *Extension of liability to officers of bodies*

3 (1) Where an offence under section 5 or 11 is committed by a body with the consent or connivance of –

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- (a) a relevant person in relation to the body, or
- (b) a person purporting to act in the capacity of a relevant person in relation to the body,

the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.

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(2) “Relevant person”, in relation to a body, means –

- (a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;

- (b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;
- (c) in the case of a corporation sole, the holder of that office;
- (d) in case of a limited partnership, a general partner, within the meaning given by section 3 of the Limited Partnerships Act 1907;
- (e) in the case of any other partnership, a partner;
- (f) in the case of any other kind of body, a person who exercises functions of management with respect to it.

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*Proceedings against unincorporated bodies*

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- 4 (1) Proceedings for an offence under section 5 or 11 alleged to have been committed by an unincorporated body must be brought against the body in its own name and not in that of any of its officers or members (but this does not prevent an officer or member incurring liability by virtue of paragraph 3).

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- (2) For the purposes of such proceedings –

- (a) rules of court relating to the service of documents have effect as if the body were a body corporate;
- (b) the following provisions (which concern procedure in relation to offences by bodies corporate) apply as they apply in relation to a body corporate –
  - (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates’ Courts Act 1980;
  - (ii) sections 34(2), 66(6AA) and 72D(2) of the Criminal Procedure (Scotland) Act 1995;
  - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Article 166 of, and Schedule 4 to, the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

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- (3) A fine imposed on the body for an offence under section 5 or 11 must be paid out of the body’s funds.

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SCHEDULE 4

Section 15

HOLDERS OF PUBLIC OFFICE

*Ministers*

- 1 A Minister of the Crown.
- 2 (1) The First Minister for Wales.
- (2) A Welsh Minister appointed under section 48 of the Government of Wales Act 2006.

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- (3) A Deputy Welsh Minister appointed under section 50 of that Act.
- (4) The Counsel General to the Welsh Government.

*Civil Servants*

- 3 (1) A person employed in the civil service of the State other than –
  - (a) the holder of any office in the Scottish Administration which is not a ministerial office; 5
  - (b) a member of the staff of the Scottish Administration, within the meaning given by section 126(7)(b) of the Scotland Act 1998;
  - (c) a member of the Northern Ireland Civil Service;
  - (d) a person who meets the condition in sub-paragraph (2). 10
- (2) The condition is that the person –
  - (a) was appointed to the civil service of the State for the purpose only of exercising functions wholly outside the United Kingdom, and
  - (b) exercises all of their functions wholly outside the United Kingdom.
- (3) A person, not falling within sub-paragraph (1), who works for – 15
  - (a) a government department, or
  - (b) the Welsh Ministers.

*Legislatures*

- 4 (1) A Member of either House of Parliament.
- (2) A relevant member of the House of Commons staff, within the meaning given by section 195(5) of the Employment Rights Act 1996. 20
- (3) A relevant member of the House of Lords staff, within the meaning given by section 194(6) of that Act.
- 5 (1) A member of Senedd Cymru.
- (2) A member of the staff of the Senedd, within the meaning given by paragraph 3 of Schedule 2 to the Government of Wales Act 2006. 25

*Policing and law enforcement*

- 6 A person –
  - (a) serving with the police for the purposes of Part 2 of the Police Reform Act 2002 (see section 12(7) of that Act), or 30
  - (b) treated as serving with the police for the purposes of that Part (see section 12(8) to (10) of that Act).
- 7 (1) A local policing body.
- (2) A person who works for a local policing body.
- 8 (1) A constable, special constable or cadet of the British Transport Police Force (and for these purposes, “constable” is to be construed in accordance with section 75(6) of the Railways and Transport Safety Act 2003). 35

- (2) A person designated as a community support volunteer or a policing support volunteer of the British Transport Police Force under section 38 of the Police Reform Act 2002 (as applied by section 28 of the Railways and Transport Safety Act 2003).
  - (3) A person who is a member of or works for the British Transport Police Authority. 5
- 9
  - (1) A person serving with the Civil Nuclear Constabulary.
  - (2) For the purposes of sub-paragraph (1), sections 12(7)(a) and (aa) and (8) to (10) of the Police Reform Act 2002 apply as if –
    - (a) the Civil Nuclear Constabulary were a force maintained by a local policing body, and 10
    - (b) the reference in section 12(10) of that Act to a local policing body were to the Civil Nuclear Police Authority.
  - (3) A person who is a member of or works for the Civil Nuclear Police Authority. 15
- 10
  - (1) A person serving with the Ministry of Defence Police.
  - (2) For the purposes of sub-paragraph (1), sections 12(7)(a) and (aa) and (8) to (10) of the Police Reform Act 2002 apply as if –
    - (a) the Ministry of Defence Police were a force maintained by a local policing body, and 20
    - (b) the reference in section 12(10) of that Act to a local policing body were to the Secretary of State.
  - (3) A person who is a member of or works for the Ministry of Defence Police Committee.
- 11
  - (1) A port constable, within the meaning of section 7 of the Marine Navigation Act 2013. 25
  - (2) A person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.
- 12 An NCA officer, within the meaning of Part 1 of the Crime and Courts Act 2013 (see section 16(1) of that Act). 30

*Fire and rescue*

- 13
  - (1) A member of a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004.
  - (2) Any other person who works for a fire and rescue authority.

*State detention*

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- 14 A person (other than a person employed in the civil service of the State) who exercises functions in relation to persons in state detention, within the meaning of Part 1 of the Coroners and Justice Act 2009 (see section 48(2) of that Act).

- 15 A member of the Parole Board (see section 239 of the Criminal Justice Act 2003).
- 16 A member of –
- (a) an independent monitoring board, appointed under section 6 of the Prison Act 1952;
  - (b) a Visiting Committee, appointed under section 152 of the Immigration and Asylum Act 1999 in respect of removal centres in England and Wales.

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*The judiciary*

- 17 (1) A person exercising judicial functions.
- (2) A person exercises judicial functions for the purposes of this paragraph if the person is any of the following –
- (a) a judge of the Supreme Court;
  - (b) a judicial office holder, within the meaning given by section 109(4) of the Constitutional Reform Act 2005;
  - (c) the holder of a sitting in retirement office under section 123 of the Public Service Pensions and Judicial Offices Act 2022;
  - (d) a member of the panel of chairmen of reserve forces appeal tribunals;
  - (e) a member of the panel of ordinary members of reserve forces appeal tribunals.
- 18 (1) The Chief Coroner or a Deputy Chief Coroner appointed under Schedule 8 to the Coroners and Justice Act 2009.
- (2) A senior coroner, area coroner or assistant coroner appointed under Schedule 3 to that Act.

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*Armed Forces*

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- 19 A person subject to service law, within the meaning of the Armed Forces Act 2006.

*Local government*

- 20 (1) A member of a local authority in England (including, in relation to a London borough council, a district council or a county council, elected mayors, within the meaning of Part 1A of the Local Government Act 2000).
- (2) A person who works for a local authority in England.
- (3) A person does not fall within sub-paragraph (2) solely by virtue of working for a school maintained by a local authority, within the meaning of the School Standards and Framework Act 1998 (see section 142(1) of that Act).
- 21 (1) A member of a local authority in Wales (including, in relation to a county borough council or a county council, elected mayors, within the meaning of Part 2 of the Local Government Act 2000).
- (2) A person who works for a local authority in Wales.

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- (3) A person does not fall within sub-paragraph (2) solely by virtue of working for a school maintained by a local authority, within the meaning of the School Standards and Framework Act 1998 (see section 142(1) of that Act).

*Other public bodies and offices*

- 22 (1) A person, not mentioned in any other paragraph of this Schedule, who – 5
- (a) is –
- (i) a member of a body, or the holder of an office, in respect of which the conditions in both of sub-paragraphs (2) and (3) are met, or
- (ii) works for such a body or office, and 10
- (b) exercises functions of a public nature by virtue of falling within paragraph (a).
- (2) The condition in this sub-paragraph is that the body or office is established –
- (a) by virtue of His Majesty’s prerogative, 15
- (b) by an enactment, or
- (c) in any other way by a Minister of the Crown, a government department or the Welsh Ministers.
- (3) The condition in this sub-paragraph is that –
- (a) in the case of a body, the body is wholly or mainly constituted by appointment made by the Crown or by a person mentioned in sub-paragraph (2)(c); 20
- (b) in the case of an office, appointments to the office are made by the Crown or by a person mentioned in sub-paragraph (2)(c).
- (4) Whether a function is of a public nature for the purposes of sub-paragraph (1)(b) is a question of law. 25
- (5) In determining that question, the judge must –
- (a) make any necessary findings of fact, and
- (b) have regard (among other matters) to whether the function meets a responsibility of government such that the public or a section of the public (beyond persons directly affected by the exercise of the function) have a significant interest in its exercise. 30
- (6) A person does not fall within this paragraph solely by virtue of holding an honour or dignity conferred by, or being in the private service of, the Crown. 35

## SCHEDULE 5

Section 17

## PART 3: CONSEQUENTIAL AMENDMENTS

*Charities and Trustee Investment (Scotland) Act 2005 (asp 10)*

- 1 In section 69A of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) (specified offences for charity trustee disqualification), in subsection (1), at the end insert— 5
- “(j) an offence under section 12 or 13 of the Public Office (Accountability) Act 2025 (seriously improper acts and breach of duty to prevent death or serious injury).”

*Charities Act 2011* 10

- 2 In section 178A of the Charities Act 2011 (specified offences for charity trustee disqualification), in the table in subsection (1), at the end insert—
- “7 An offence under section 12 or 13 of the Public Office (Accountability) Act 2025 (seriously improper acts and breach of duty to prevent death or serious injury).” 15

*Criminal Justice and Courts Act 2015*

- 3 In section 26 of the Criminal Justice and Courts Act 2015 (corrupt or other improper exercise of police powers and privileges), in subsection (11), omit “England and Wales or”.

## SCHEDULE 6

Section 18 20

## CONDUCT OF PUBLIC AUTHORITIES AT INQUIRIES AND INQUESTS

## PART 1

## INQUIRIES UNDER THE INQUIRIES ACT 2005

- 1 (1) The Inquiries Act 2005 is amended as follows.
- (2) After section 34 insert— 25
- “Conduct of public authorities at UK inquiries

**34A Guidance to public authorities about conduct**

- (1) The Lord Chancellor may issue guidance to core participants that are public authorities, setting out the principles that should guide their conduct at an inquiry for which a United Kingdom Minister is responsible. 30

- (2) Guidance under this section may include provision about what a public authority should (or should not) do for the purposes of—
  - (a) supporting the inquiry panel in—
    - (i) determining any matter relevant to the inquiry,
    - (ii) furthering the overriding objective set out in rules under section 41(A1), and
    - (iii) upholding the practices and procedures of the inquiry;
  - (b) assisting affected persons to participate at the inquiry proceedings.
- (3) Public authorities must have regard to guidance issued under this section.
- (4) In this section and in sections 34B and 34C—
  - “affected person”, in relation to an inquiry, means any person to whom an award is made under section 40 in respect of that inquiry;
  - “core participant” means a person designated as such in accordance with rules under section 41;
  - “public authority” has the same meaning as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 (see paragraph 2 of Schedule 2 to that Act).

### **34B Engagement of legal representatives**

- (1) This section applies where—
  - (a) a public authority is subject to the duty imposed by section 2(4) of the Public Office (Accountability) Act 2025 in respect of an inquiry for which a United Kingdom Minister is responsible, and
  - (b) the authority is a core participant in respect of the inquiry.
- (2) The duty includes a duty to comply with subsection (3) below for the purposes of assisting affected persons to participate in the inquiry.
- (3) A public authority complies with this subsection by—
  - (a) engaging legal representatives to act for the authority at the inquiry only if, and so far as, the authority considers it both necessary and proportionate, and
  - (b) taking such steps as are necessary to secure that those representatives conduct themselves with due regard to the conduct that is expected of the authority (as set out in guidance under section 34A) and its duties under Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025.

- (4) In determining for the purposes of subsection (3)(a) whether, or to what extent, the engagement of legal representatives is necessary and proportionate, particular regard is to be had to—
- (a) the comparative position of affected persons in respect of their means to engage legal representatives; 5
  - (b) the nature and extent of the authority’s obligations to assist the inquiry in respect of disclosure and other matters;
  - (c) the importance of the issues under investigation and the need for those issues to be investigated fairly, proportionately, expeditiously and cost-effectively. 10

### **34C Concerns over conduct of public authorities**

- (1) This section applies where—
- (a) an inquiry for which a United Kingdom Minister is responsible is being, or has been, held,
  - (b) anything occurring in the course of the inquiry gives rise to a concern about the conduct of a public authority or its legal representatives, and 15
  - (c) in the opinion of the chair of the inquiry, action should be taken to prevent the occurrence or continuation of such conduct. 20
- (2) The chair may report the matter to—
- (a) the person appearing to the chair to have overall responsibility for the management of the authority, or
  - (b) such other person as the chair believes has power to take the action mentioned in subsection (1)(c). 25
- (3) A person to whom the chair of an inquiry makes a report under this section must give the chair a written response to it.”
- (3) In section 41 (rules), before subsection (1), insert—
- “(A1) The Lord Chancellor may make rules dealing with the overriding objective to which regard is to be had when conducting, or participating in, an inquiry for which a United Kingdom Minister is responsible. 30
- (A2) The overriding objective specified in rules under subsection (A1) may (in particular) include objectives for or in connection with—
- (a) ensuring that affected persons, as defined by section 34A(4), are able to participate fully and effectively in the inquiry proceedings; 35
  - (b) maintaining the inquisitorial nature of the proceedings;
  - (c) ensuring that affected persons are given sufficient information about the process of the proceedings (including any deadlines in connection with the proceedings that such persons must comply with).” 40

## PART 2

### NON-STATUTORY INQUIRIES

- 2 (1) Sections 34A to 34C of the Inquiries Act 2005 (inserted by Part 1 of this Schedule) apply to a relevant non-statutory inquiry as they apply to an inquiry under that Act, with the modifications specified in sub-paragraph (3). 5
- (2) “Relevant non-statutory inquiry” means an inquiry to which paragraph 2 of Schedule 1 applies which has been caused to be held by a United Kingdom Minister, within the meaning given by section 43(1) of the Inquiries Act 2005. 10
- (3) The modifications mentioned in sub-paragraph (1) are –
  - (a) references to “affected persons” are to be read as references to any participant in the inquiry whom the person leading the inquiry considers should be given the kinds of assistance to participate in the inquiry that, by virtue of section 34A or 34B of the Inquiries Act 2005, is given to affected persons under that Act; 15
  - (b) in section 34A(1), the reference to core participants that are public authorities is to be read as a reference to any public authority that is a participant in the inquiry;
  - (c) in section 34C(2), the reference to the chair is to be read as a reference to the person leading the inquiry. 20

## PART 3

### INVESTIGATIONS UNDER PART 1 OF THE CORONERS AND JUSTICE ACT 2009

- 3 (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 36 (reports and advice to the Lord Chancellor from the Chief Coroner), in subsection (4) after paragraph (d) insert –
  - “(e) the matters reported under paragraph 7A of that Schedule and the responses given under sub-paragraph (3) of that paragraph;”.
- (3) In section 42 (guidance by the Lord Chancellor) –
  - (a) in subsection (2), in the opening words, for “this section” substitute “subsection (1)”; 30
  - (b) after subsection (2) insert –
    - “(2A) The Lord Chancellor may issue guidance to interested persons that are public authorities setting out the principles that should guide their conduct at or in connection with investigations under this Part. 35

- (2B) Guidance under subsection (2A) may include provision about what a public authority should (or should not) do for the purposes of—
- (a) supporting a senior coroner who is conducting an investigation under this Part in—
    - (i) determining the matters mentioned in section 5(1),
    - (ii) furthering the overriding objective set out in coroner rules under section 45(2)(za), and
    - (iii) upholding the practices and procedures of the investigation;
  - (b) assisting affected persons to participate in the investigation.
- (2C) Interested persons that are public authorities must have regard to guidance issued under subsection (2A).
- (2D) In this section and in section 42A—
- “affected person” means an individual who is an interested person within section 47(2)(a), (b) or (m);
  - “public authority” has the same meaning as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 (see paragraph 2 of Schedule 2 to that Act).”
- (4) After section 42 insert—
- “42A Engagement of legal representatives**
- (1) This section applies where—
    - (a) a public authority is subject to the duty imposed by section 2(4) of the Public Office (Accountability) Act 2025 in respect of an investigation, and
    - (b) the authority is an interested person in relation to the investigation.
  - (2) The duty includes a duty to comply with subsection (3) below for the purposes of assisting affected persons to participate in the investigation.
  - (3) A public authority complies with this subsection by—
    - (a) engaging legal representatives to act for the authority in the investigation only if, and so far as, the authority considers it both necessary and proportionate, and
    - (b) taking such steps as are necessary to secure that those representatives conduct themselves with due regard to the conduct that is expected of the authority (as set out in guidance under section 42(2A)) and its duties under Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025.

- (4) In determining for the purposes of subsection (3)(a) whether, or to what extent, the engagement of legal representatives is necessary and proportionate, particular regard is to be had to—
  - (a) the comparative position of affected persons in respect of their means to engage legal representatives; 5
  - (b) the nature and extent of the authority’s obligations to assist the investigation in respect of disclosure and other matters;
  - (c) the importance of the issues under investigation and the need for those issues to be investigated fairly, proportionately, expeditiously and cost-effectively.” 10
- (5) In section 43 (coroner regulations), in subsection (3)(j) for “paragraph 7” substitute “paragraphs 7 and 7A”.
- (6) In section 45 (coroners rules)—
  - (a) in subsection (2), before paragraph (a) insert—
    - “(za) provision for regard to be had to an overriding objective of such description as the rules may specify when conducting, or participating in, proceedings at an inquest;”;
  - (b) after subsection (2) insert—
    - “(2ZA) The overriding objective specified in coroner rules under subsection (2)(za) may (in particular) include objectives for or in connection with—
      - (a) ensuring that affected persons, as defined by section 42(2D), are able to participate fully and effectively in the proceedings; 25
      - (b) maintaining the inquisitorial nature of proceedings;
      - (c) ensuring that affected persons are given sufficient information about the process of proceedings (including any deadlines in connection with the proceedings that such persons must comply with).” 30
- (7) In Schedule 5 (powers of coroners), after paragraph 7 insert—
 

*“Concerns over conduct of public authorities*

  - 7A (1) This paragraph applies where—
    - (a) a senior coroner is, or has been, conducting an investigation under this Part into a person’s death, 35
    - (b) anything occurring in the investigation gives rise to a concern about the conduct of a public authority, or of its legal representatives, and
    - (c) in the coroner’s opinion, action should be taken to prevent the occurrence or continuation of such conduct. 40
  - (2) The senior coroner may report the matter to—

- (a) the person appearing to the coroner to have overall responsibility for the management of the authority, or
  - (b) such other person as the coroner believes has power to take the action mentioned in sub-paragraph (1)(c).
- (3) A person to whom a senior coroner makes a report under this paragraph must give the coroner a written response to it. 5
- (4) A copy of a report under this paragraph, and of the response to it, must be sent to the Chief Coroner.
- (5) In this paragraph “public authority” has the same meaning as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 (see paragraph 2 of Schedule 2 to that Act).” 10

## PART 4

### LEGAL AID AT INQUESTS

#### *Amendments of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*

- 4 (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows. 15
- (2) In section 10 (civil legal aid: exceptional cases), in subsection (4)(a), for “the Coroners Act 1988” substitute “Part 1 of the Coroners and Justice Act 2009”.
- (3) In Schedule 1 (civil legal services)—
  - (a) In Part 1 (services), in paragraph 41— 20
    - (i) in sub-paragraph (1) for “the Coroners Act 1988” substitute “Part 1 of the Coroners and Justice Act 2009”;
    - (ii) after sub-paragraph (3) insert—
      - “(4) The reference in sub-paragraph (1) to services provided in relation to an inquest under Part 1 of the Coroners and Justice Act 2009 includes services provided in respect of an application for the holding of such an inquest or an investigation under that Part made under section 13 of the Coroners Act 1988.”; 25
  - (b) In Part 3 (advocacy: exclusion and exceptions), after paragraph 24 insert— 30
    - “24A (1) Advocacy in proceedings at an inquest under Part 1 of the Coroners and Justice Act 2009 into the death of a member of an individual’s family (subject as follows). 35
    - (2) The exception in sub-paragraph (1) applies only if both of the following conditions are met.
    - (3) The first condition is that a public authority is an interested person in relation to the inquest.



- (4) The second condition is that civil legal services in the form of advocacy are not already available under section 9 (by virtue of this paragraph) to another individual who is a member of the deceased individual’s family in relation to –  
  - (a) the same inquest, or
  - (b) another inquest that is linked to the same inquest.
- (5) For the purposes of sub-paragraph (4) –  
  - (a) an individual is a member of another individual’s family if –  
    - (i) they are relatives (whether of the full blood or half blood or by marriage or civil partnership),
    - (ii) they are cohabitants (as defined in Part 4 of the Family Law Act 1996), or
    - (iii) one has parental responsibility for the other;
  - (b) an inquest is “linked” to another inquest if a senior coroner has determined that proceedings at the inquests are to be held together.
- (6) In this paragraph –  
“interested person” has the same meaning as in Part 1 of the Coroners and Justice Act 2009 (see section 47 of that Act);  
“public authority” has the same meaning as in Chapter 1 of Part 2 of the Public Office (Accountability) Act 2025 (see paragraph 2 of Schedule 2 to that Act);  
“senior coroner” means a person appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009.”

*Amendments of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013*

- 5 In regulation 5 of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (exceptions from requirement to make a determination in respect of an individual’s financial resources), in paragraph (1) –  
  - (a) in sub-paragraph (m), after “where” insert “ –  
    - (i) the exception in paragraph 24A(1) of Part 3 of Schedule 1 to the Act (inquests where public authority an interested person) applies in relation to proceedings at the inquest, or
    - (ii)”;

(b) after sub-paragraph (m) insert –

“(ma) legal help at an inquest under the Coroners and Justice Act 2009 into the death of a member of the family of the individual who has made an application, where a public authority is an interested person in relation to the inquest.”

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(c) in sub-paragraph (n), for “(m)” substitute “(m)(ii)”.

*Amendments of the Civil Legal Aid (Merits Criteria) Regulations 2013*

6 (1) The Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) are amended as follows.

(2) In regulation 19 (other legal services), omit the words after paragraph (c).

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(3) For regulation 30 (inquests), substitute –

**“Inquests**

30. – (1) Subject to paragraphs (2) and (3), legal help is the only form of civil legal services which is appropriate in relation to any matter described in paragraph 41 of Part 1 of Schedule 1 to the Act (inquests).

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(2) Where the exception in paragraph 24A(1) of Part 3 of Schedule 1 to the Act (inquests where public authority an interested person) applies in relation to the matter, other legal services are also appropriate.

(3) Where the matter involves proceedings under section 13 of the Coroners Act 1988 (order to hold investigation under Part 1 of the Coroners and Justice Act 2009), legal representation is also appropriate.”

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# Public Office (Accountability) Bill

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[AS AMENDED IN PUBLIC BILL COMMITTEE]

A

## B I L L

TO

Impose a duty on public authorities and public officials to act with candour, transparency and frankness; to make provision for the enforcement of that duty in their dealings with inquiries and investigations; to require public authorities to promote and take steps to maintain ethical conduct within all parts of the authority; to create an offence in relation to public authorities and public officials who mislead the public; to create further offences in relation to the misconduct of persons who hold public office and to abolish the common law offence of misconduct in public office; to make provision enabling persons to participate at inquiries and investigations where the conduct of public authorities may be in issue; and for connected purposes.

*Presented by Secretary David Lammy  
supported by the Prime Minister,  
Secretary Pat McFadden,  
Secretary Bridget Phillipson, Secretary Peter Kyle,  
Secretary Lisa Nandy, James Murray,  
Nick Thomas-Symonds, Alex Davies-Jones,  
Josh Simons, Anna Turley and Chris Ward.*

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