

Public Liability (Compulsory Insurance) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Require companies and certain other persons to insure against their liability for injury to third parties and premises; and for connected purposes.

BE 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:—

1 Insurance against public liability

- (1) A designated organisation carrying on a designated activity in Great Britain must insure and maintain insurance under one or more approved policies with an authorised insurer or insurers against liability for bodily injury or disease or damage to property or premises arising out of and in the course of that designated activity but, except in so far as regulations otherwise provide, not including injury or disease or damage to property or premises suffered or contracted outside of Great Britain. 5
- (2) The Secretary of State may by regulations provide that the amount for which a designated organisation is required by this Act to insure and maintain insurance shall, either generally or in such cases or classes of case as may be prescribed by the regulations, be limited in such manner as may be so prescribed. 10
- (3) For the purposes of this Act—
 - “approved policy” means a policy of insurance not subject to any conditions or exceptions prohibited for this purposes by regulations, 15
 - “authorised insurer” means—
 - (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to effect or carry out contracts of public liability insurance, 20
 - (b) such other person as the Secretary of State may by regulations provide.
- (4) Except as otherwise provided by regulations, a designated organisation not having a place of business in Great Britain shall be deemed not to carry on business there. 25

2 Designated organisations and activities

- (1) The Secretary of State must by regulations provide for a definition of—
- (a) a designated organisation, and
 - (b) a designated activity
- for the purposes of this Act. 5
- (2) Regulations under this section must provide that—
- (a) “designated organisation” includes a trade or profession and includes any activity carried on by a body of persons whether corporate or unincorporate,
 - (b) “designated activity” includes any trade, profession or vocation. 10
- (3) Regulations under this section may provide for exemptions from the requirements of this Act.

3 Certificates of insurance

- (1) The Secretary of State may by regulations make provision for securing that certificates of insurance in such form and containing such particulars as may be prescribed by the regulations are issued by insurers to designated organisations entering into contracts of insurance in accordance with the requirements of this Act and for the surrender in such circumstances as may be so prescribed of certificates so issued. 15
- (2) Where a certificate of insurance is required to be issued to a designated organisation in accordance with regulations under subsection (1) above, the organisation (subject to any provision made by the regulations as to the surrender of the certificate) shall during the currency of the insurance and such further period (if any) as may be provided by regulations— 20
- (a) comply with any regulations requiring a digital or physical copy of the certificate to be made available for the information of the organisation’s employees and the public; 25
 - (b) produce the certificate of insurance or a copy thereof on demand to any inspector duly authorised by the Secretary of State for the purposes of this Act and produce or send the certificate or a copy thereof to such other persons, at such place and in such circumstances as may be prescribed by regulations; 30
 - (c) permit the policy of insurance or a copy thereof to be inspected by such persons and in such circumstances as may be so prescribed.

4 Penalty for failure to insure 35

The Secretary of State may by regulations provide for penalties, including fines, for failure to comply with—

- (a) the provisions of this Act, or
- (b) provisions of regulations made under this Act.

5 Regulations

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations made under this Act may – 5
 - (a) make transitional or saving provision,
 - (b) make different provision for different purposes.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on such day as the Secretary of State may by regulations appoint. 10
- (3) This Act may be cited as the Public Liability (Compulsory Insurance) Act 2024.

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Presented by Mrs Natalie Elphicke

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