



In Focus

Riot Compensation Bill HL Bill 94 of 2015–16

Key Provisions

The [Riot Compensation Bill](#) is a House of Commons private member's bill introduced by Mike Wood (Conservative MP for Dudley South) and sponsored in the House of Lords by Lord Trefgarne (Conservative). It completed its House of Commons stages on 5 February 2016 and received its first reading in the House of Lords on 8 February 2016. The Bill is due to be read a second time on 26 February 2016. The Bill's aims are set out in the explanatory notes as follows:

The Bill repeals the Riot (Damages) Act 1886 and creates a new scheme which allows compensation to be claimed for property that is damaged, destroyed or stolen in the course of a riot. Claims for compensation may be made in respect of property that was not insured, or was not adequately insured, against such loss or damage. The Bill also allows an insurance company which has settled a claim in respect of loss or damage to property during a riot to reclaim the compensation they have paid out.¹

The Riot (Damages) Act 1886 contains provisions allowing those affected by riots to claim compensation from the local police for damage to certain property. It has also been said that the Act:

[I]s the legal expression of what has been called the 'implied contract' between the public and the police. This requires that the public respect the leadership of the police when required and that the police maintain law and order. If law and order breaks down in a riot situation the police become liable to compensate those affected.²

Following the riots in England in 2011, it was suggested that the 1886 Act needed updating in order to better meet today's needs:

Since its introduction and until the civil disturbances in 2011, the 1886 Act had not been the subject of any substantial revision. The archaic language of the 1886 Act contributed to a general uncertainty around entitlements to compensation and led to difficulties for decision-makers in determining claims following the 2011 disturbances. It became clear that there was a need to reform the 1886 Act, in order to ensure that the arrangements that govern claims for riot damage compensation are clear, transparent and fit for modern day needs.³

The Coalition Government commissioned a review of the legislation ('[the Kinghan review](#)'), which published its findings on 8 November 2013. Following a period of consultation, the Coalition Government published its [final report](#) on the subject on 12 March 2015 alongside a draft Bill containing provisions substantially similar to those in the Bill now before the House.

Progress of the Bill

During [public bill committee](#) and [report stage](#) in the House of Commons, the Bill was amended only by the Bill's sponsor, Mike Wood. These amendments, moved at report stage, clarified the timescale for making claims for compensation and would allow a claimant to claim for consequential losses arising from the need for alternative accommodation if their home was rendered uninhabitable (other consequential losses are explicitly not covered by the Bill). No other amendments were agreed to or moved to a division during the Commons proceedings.

Speaking at [third reading](#), Mike Wood expressed his gratitude for the support the Bill had received from the Government and from shadow ministers. He then stated that:

On second reading, I stressed our responsibility as Members of Parliament to bring forward legislation that protects the most vulnerable from harm. That is why I am proud to promote this Bill, which proposes to help individuals and businesses recover from the devastating impact of widespread public disorder in communities. [...] It makes much-needed changes to address the concerns that have been raised, while still providing support to households and businesses affected by riots. It proposes to end the unlimited compensation afforded through the 1886 Act, while making sure that victims of riots receive the support that they need. [...] The provisions in the Bill provide a balance between the responsibility of the police to maintain order and the Government to protect the vulnerable, and the interests of the taxpayer. It retains the principle that the police are responsible for maintaining order, ensures that local accountability remains in the right place and provides local communities with the mechanisms they need to recover quickly from serious disorder.⁴

The Shadow Home Office Minister, Lyn Brown, also welcomed the support the Bill had received across the House and praised the Bill for dealing with the current issues over access to compensation. She concluded by stating that: "I hope and pray that it is rarely, if ever, used because even the most effective legislation for riot compensation can but lessen the terrible pain that is inflicted on communities by looting, violence and wanton damage".⁵ These points were echoed by the Home Office Minister, James Brokenshire, who stated:

[T]he Bill sets out the framework for a modern, fair and affordable compensation scheme that supports communities that are recovering from riots, without placing unreasonable burdens on the taxpayer. The amendments and improvements that have been made are in keeping with that principle, and the Government support them. [...] As the Bill proceeds to the other place, I believe that it will provide assurance and protection into the future, and the framework that it provides means that it will remain as relevant as it is now for decades to come.⁶

¹ [Explanatory Notes to the Bill](#), p 3.

² House of Commons Library, [Riot \(Compensation\) Bill \[Bill 13\]](#), 1 December 2015.

³ [Explanatory Notes to the Bill](#), p 3.

⁴ [HC Hansard, 5 February 2016, cols 1224–7.](#)

⁵ [ibid. col 1228.](#)

⁶ [ibid. col 1230.](#)

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