



Informing Progress - Shaping the Future

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The Hillsborough Law – Public Office (Accountability) Bill

After a long wait, the Government has finally announced their intention to proceed with a 'Hillsborough Law' through the introduction of the **Public Office (Accountability) Bill**. The term 'Hillsborough Law' is used as a shorthand to describe legislation aimed at improving transparency and accountability in public inquiries/inquests, and the effective introduction of a statutory duty of candour on public authorities and officials. Whilst many have argued that legislative action is necessary, others have contended that what is needed is a change of organisational culture, not the imposition of additional legal or professional duties.

The Bill falls into five distinct parts and has UK wide application save for Chapter 3 of Part 2 and Parts 3 and 4 which extend to England and Wales only.

Part 1: Implementing a duty of candour

This sets out the central purpose - to ensure public authorities and public officials perform their functions with candour, transparency and frankness, and in the public interest.

Although there are slightly different definitions used in the various Parts of the Bill, an organisation may be considered a public authority if it performs functions of a public nature, provided it is not an excluded body.

Part 2 is divided into three chapters:

Chapter 1: Inquiries and Investigations

This imposes a duty on public authorities and public officials to act with candour, transparency and frankness in their dealings with inquiries/investigations (a duty of candour and assistance) and imposes criminal liability for breach of that duty.

Chapter 2: Standards of Ethical Conduct

This Chapter requires public authorities to promote and take steps to maintain ethical conduct, candour, transparency and frankness through the issue of appropriate codes and guidance.

Chapter 3

This Chapter creates an either way **offence of misleading the public**. Clause 11 states that 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 (b) they know, or ought to know, that their act is seriously improper. References to 'act' include omissions. The complex definition of the 'seriously improper' requirement is likely to raise issues as the Bill progresses through Parliament. The Explanatory Notes states that the offence does not apply to individual interactions and is not intended to apply to instances of accidental or inadvertent misleading. There is a partial reverse burden of proof defence where the defendant can show that they otherwise had a reasonable excuse for their act. The DPP needs to give consent for a prosecution.

Part 3: Misconduct in Public Office

This part imposes criminal liability for seriously improper acts by individuals holding public office and for breaches of duties to prevent death or serious injury, replacing/supplementing the common law offence of misconduct in public office.

Part 4: Participation of Persons at Inquiries/Investigations

This Part includes provision for delivering greater parity in representation where a public authority is a participant or interested person in inquiries or investigations. This includes a requirement of necessity and proportionality in legal representation for public authorities. It also makes provision for non means tested legal aid funding for inquests estimated to cost between £65-180m per annum, with a further estimated cost of up to £3.1m per annum of operational costs to the Legal Aid Agency.

Part 5: Miscellaneous provisions

We will be discussing various aspects of the draft legislation at an Apologies and Duties of Candour event in Birmingham on 30 September 2025. If you are interested in learning more, please register your attendance by clicking [here](https://www.foil.org.uk/event-registration/?eventid=16663) or by using this direct link:

<https://www.foil.org.uk/event-registration/?eventid=16663>

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