

MEDIA RELEASE

9 February 2010

CONSERVATIVES BID TO CLEAR UP SNOW MESS

With more arctic weather predicted, Conservative MPs have been fighting to clear up the uncertainties left by the Government over whether those who clear snow in front of their houses or shops are leaving themselves open to legal action.

Many people tried to do the right thing and helped out by clearing the snow outside their properties. Unfortunately, those who were brave enough to undertake this sort of socially responsible behaviour – far from being encouraged to do so – faced the uncertain risk of a potential negligence suit in the courts.

Henley MP, John Howell, sought advice from the Association of British Insurers (ABI) on the issue.

John said:

“Given that legal liability issues are usually far from straightforward, the ABI has provided advice which represents good commonsense. Their view is that a claim against a parish or town council for clearing footpaths or against a shop owner or resident for clearing snow and ice in front of their properties is very unlikely to succeed where all the actions which have been taken are reasonable. In practice we are told that this means that in clearing the snow you should do the job properly and not create another hazard. The ABI says such clearance activity should not be feared.”

In order to put the issue firmly beyond doubt, Jeremy Wright, the MP for Rugby and Kenilworth, has brought forward a Bill to amend the Compensation Act 2006, to ensure that courts considering a claim of negligence or breach of statutory duty apply a presumption that defendants undertaking a desirable activity like snow clearance have satisfied the relevant standard of care.

John added:

“I am glad that we have taken the lead in this area to provide stronger legal protection for householders, firms and councils. We also need to tackle the compensation culture and apply some common sense to the application of health and safety rules.”

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