



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
www.gov.uk/defra

**Your ref:**  
**Our ref:** RFI 6247  
**Date:** 26 February 2014

Dear

**REQUEST FOR INFORMATION: Liabilities from Small Claims**

Thank you for your request for information about liabilities from small claims, which we received on 30 January. We have considered your request under the Freedom of Information Act 2000 (FOIA).

**You asked for:**

The reason why estimated potential liabilities from small claims against the department and agencies have risen from no more than £9.6 million in 2011-12 to no more than £13.8 million in 2012-13. Please also send details of the 10 largest claims that are being pursued against the department.

**In response:**

Contingent liabilities and remote contingent liabilities for 2012/13 are disclosed in Defra's Annual Report and Accounts (ARA) on pages 169 and 170. All possible contingent and remote contingent liabilities that are unquantifiable or are greater than £3m are disclosed separately as a narrative.

This increase of £4.2m between 2011/12 and 2012/13 (£9.6 m to £13.8m) for contingent liabilities is made up of the following items:

- A net increase in Environment Agency's (EA) contingent liabilities of £1.7m. The details can be found in note 17, on page 86, of EA's 2012-13 ARA at <http://www.official-documents.gov.uk/document/hc1314/hc04/0497/0497.pdf>
- An increase of £0.5m due to a potential breach of covenant for a property that was leased by Defra. This was previously categorised as remote.



- The Food and Environment Research Agency (Fera) was awarded a European Regional Development Fund grant. If Fera are unable to meet the objectives and conditions of the grant, then some monies may become repayable. This was previously unquantifiable.

Details on the six largest claims being pursued against the Department are explained in the Contingent Liabilities and Remote Contingent Liability disclosures on pages 169 and 170 of the 2012-13 ARA.

On pages 146 to 148 of the ARA are details of two other larger claims against the Department. These are Disallowance for Single Payment Scheme and a Habitats Directive provision.

The next two largest claims are a £2.3m provision for Hatfield Moor and a £2m provision for Portland Quarry, both of which relate to an obligation by Defra under regulation 63 of the Habitats regulations 2010.

I attach an annex giving contact details should you be unhappy with the service that you have received. If you have any queries about this letter please contact me.

Yours

**Pam Beadman**

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## Annex A

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## Annex B

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF