

**INQUESTS ARISING FROM THE DEATHS
IN THE WESTMINSTER TERROR ATTACK OF 22 MARCH 2017**

**WRITTEN SUBMISSIONS ON BEHALF OF TRANSPORT FOR LONDON
ON DETERMINATIONS TO BE MADE BY THE CORONER**

2.10.18

Introduction

1. Transport for London (“TfL”) agrees with the legal principles as summarised by Counsel to the Inquests in their submissions dated 1 October 2018 (“the CTI Submissions”). TfL also agrees with the CTI’s proposed approach to determinations and PFD issues. TfL’s submissions are confined to the victims on Westminster Bridge.

Article 2 and the Victims on Westminster Bridge

2. TfL agrees that Article 2 is not engaged in respect of the victims on Westminster Bridge for the reasons given at paragraphs 9 and 10 of the CTI Submissions. It is acknowledged that Siwan Hayward identified that the terror attacks on Westminster and London Bridges which used vehicles as weapons had highlighted a gap in national and London policy on the protection of people in public spaces.¹

¹ Siwan Hayward, Day 14, p.48 – 49 and p.67

3. The identification of such a gap in policy, after the terror attacks, does not indicate that there was an arguable breach of Article 2 at the time of the Westminster Terror Attack:

(a) The Office for Security and Counter-Terrorism and NaCTSO had identified criteria against which locations were assessed in order to designate them as crowded places.²

(b) Local police CTAs were carrying out assessments of risk. Their assessments were based on the threat of a terrorist attack, vulnerability to it and the impact of it should it occur using the guidance issued by the Office for Security and Counter-Terrorism and NaCTSO.³

(c) As at 22 March 2017, there were no conditions that would have led the police to recommend to bridge owners that they should install protective security measures.⁴

Determinations

4. TfL agrees with the CTI Submissions that in respect of the victims on Westminster Bridge, it is appropriate to give a short-form conclusion of unlawful killing, coupled with a short narrative setting out the means by which the person met his/her death.

² Chief Superintendent Aldworth, Day 11, p.40 and p.135

³ Chief Superintendent Aldworth, Day 11, p.40 – 41 and Siwan Hayward, Day 14, p.95

⁴ Chief Superintendent Aldworth, Day 11, p.148

PFD Report

5. TfL agrees with the proposed approach to PFD issues outlined at paragraphs 25 and 26 of the CTI Submissions. It is recognised that Interested Persons may seek a PFD Report as to TfL's role and responsibilities in relation to protective security measures. TfL remains committed to learning lessons from this atrocious attack and will not shy away from any such report.

6. However, the responsibilities for protective security are complex and often involve balancing potentially competing safety and security demands. It is clear from Siwan Hayward's evidence that these issues are nationwide and not just limited to London.⁵

7. Given the complexities, and the potentially far-reaching impact of any PFD Report, TfL would welcome the opportunity to respond to any PFD submissions within 28 days, as proposed by CTI at paragraph 25(b) of the CTI Submissions.

Fiona Canby

Temple Garden Chambers

2 October 2018

⁵ Siwan Hayward, Day 14, p.91