



# Government Legal Department

Hausfeld & Co. LLP  
12 Gough Square  
London  
EC4A 3DW

By email ONLY to:  
[wjazrawi@hausfeld.com](mailto:wjazrawi@hausfeld.com)  
[igubbay@hausfeld.com](mailto:igubbay@hausfeld.com)  
[lgrimes@hausfeld.com](mailto:lgrimes@hausfeld.com)

Litigation Group  
102 Petty France  
Westminster  
London  
SW1H 9GL

DX 123243  
Westminster 12

T 020 7210 3000

[www.gov.uk/gld](http://www.gov.uk/gld)

16 September 2021

Dear Sir/Madam,

## **Daze Aghaji & Peter Garforth -v- Secretary of State for Business, Energy & Industrial Strategy (“BEIS”)**

Thank you for your Pre-action Protocol letter dated 6 September 2021.

You request a response within the standard fourteen-day period, by 20 September 2021. For the reasons given below, it is neither reasonable nor realistic to expect a Pre-action Protocol response in this case within the “*normal*” response period envisaged by the Protocol (§20).

Your clients’ proposed claim covers a vast breadth of subject matter and the Pre-action Protocol letter is over 100 paragraphs in length. This alone would justify a longer period of time within which to formulate the Government’s response. Furthermore, as you acknowledge, the Government’s policy in the area of climate change is presently undergoing development, and the Government will publish a “Net Zero Strategy” ahead of November’s COP26 Summit that will set out its vision for transitioning to a “net zero” economy and outline the UK’s path to meet the “net zero” target by 2050. This necessarily presents a challenge to the speed at which clear instructions can be obtained on all the points included in the proposed claim.

Whilst BEIS is largely responsible for the policy areas you address, the cross-cutting nature of climate change policy necessitates detailed collaboration between BEIS and other departments, in particular Her Majesty’s Treasury and the Department for Food, the Environment & Rural Affairs (“Defra”). The relevant departments require adequate opportunity to consider the proposed claim, prepare a coordinated response and then provide instructions to the legal team who will draft the letter of response.

As such, our client will respond on 4 October 2021. This represents a reasonable extension of fourteen days.

In any event, your clients have purported to set an arbitrary deadline of 20 September 2021 for our clients to comply with their requests, when, in reality, the issues raised are such as to require - and are in fact receiving - sustained attention over a period of years. There is no basis for your clients to insist on receiving a substantive response on 20 September 2021.

In the circumstances, it would be precipitate of your clients to issue proceedings in the absence of a response from our client on 20 September. Should they decide, notwithstanding, to issue proceedings without affording our client a reasonable opportunity to respond, as proposed above, please note our intention to take this point in costs. We trust, however, that no such point need or will arise.

Yours faithfully,



**Robert Andrews**  
**For the Treasury Solicitor**  
**D 07542 226 462**  
**E [robert.andrews@governmentlegal.gov.uk](mailto:robert.andrews@governmentlegal.gov.uk)**

Gilad Segal - Head of Division  
Gary Howard - Deputy Director, Team Leader Planning, Infrastructure & Environment

