

January 2009

Issued by Mattison Public Relations

## Human Rights Act being applied to ever broader range of issues

- **Do even hedge funds have human rights?**

The use of Human Rights Act (HRA) arguments is spreading to a wider variety of UK court cases despite a slight decline in the absolute numbers of reported UK court cases making use of Human Rights arguments, reveals research from Sweet & Maxwell, the legal information provider. According to Sweet & Maxwell the number of reported cases making use of Human Rights arguments was 327 in 2008 down 13.7% from 379 in 2007.

Sweet & Maxwell's research shows that Human Rights arguments are increasingly being used in cases that might normally be seen as commercial disputes.

For example, January 13<sup>th</sup> 2009 saw the start of a High Court claim by the hedge funds RAB Special Situations and SRM Global Master Fund arguing that the nationalisation of Northern Rock had deprived them of their property (the value of Northern Rock shares they owned) in breach of the Human Rights Act.

It has also been reported that BAA is considering a claim against the Competition Commission on the basis that the Competition Commission's proposal to break up BAA breached BAA's property rights under the Human Rights Act.

Sweet & Maxwell's research found that 6% of cases using Human Rights arguments were disputes with HM Revenue & Customs over tax issues with a further 3% of all Human Rights cases being brought by businesses in other kinds of legal disputes.

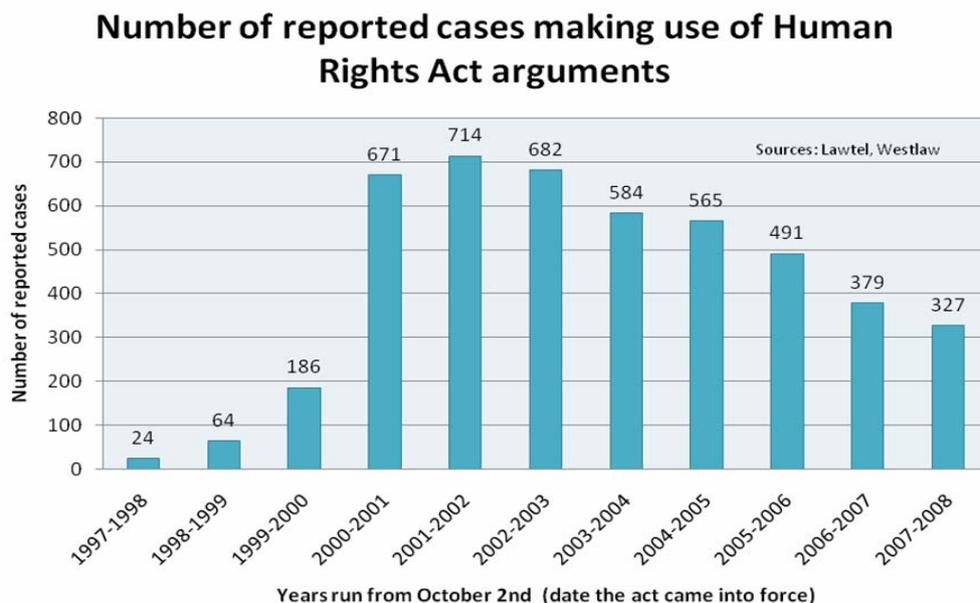
Stephen Grosz\*, Head of Public Law and Human Rights at Bindman & Partners comments; "Whilst the number of cases coming to court may have declined, the use of the Human Rights Act continues to evolve in some very unexpected ways. How the courts treat Human Rights arguments relating to commercial activities will be of particular importance in light of the Government's recent actions in the banking and financial services sector."

Stephen Grosz says that the gradual decline in the number of Human Rights cases since their peak of 714 in 2001-2002 undermines the argument that that the Human Rights Act has been used as a "Rogues Charter" opening the floodgates to wave after wave of spurious challenges against criminal prosecutions.

Stephen Grosz says that one area of law where Human Rights arguments have been frequently used over the last year is to appeal against asylum, immigration and deportation decisions. Sweet & Maxwell's research shows that in 2008 [15.6%] of all cases involving Human Rights arguments involved asylum, immigration and deportation cases.

Sweet & Maxwell says that the large proportion of Human Rights cases over the last year involving deportation, asylum and immigration issues may be a result of the Government's efforts to meet its target of removing 5,000 convicted foreign criminals from the UK over the last year.

Stephen Grosz comments: "Human Rights arguments are often found at the core of deportation cases, so it comes as no surprise if the Government's efforts to meet its target for deportations triggered a large number of Human Rights appeals."



Other cases involving Human Rights arguments heard in UK courts in 2008 include:

- A couple's appeal against a decision to refuse them permission to adopt on the basis they weren't married. They alleged that the decision contravened their rights to respect for family life under the Human Rights Act
- An order to demolish a commercial property was contested because the owner of the property claimed it breached his human rights, specifically the right to the peaceful enjoyment of possessions.
- A former member of the security services wished to overturn a decision preventing him from publishing a book based around his experiences, claiming the decision was contrary to the principle of freedom of expression under the Human Rights Act.
- Litigation between brothers over the inheritance of a farming business. One brother claimed that the other could not appeal the court's decision because he was using evidence obtained in private, thereby misusing private information, under the article "respect for private life".

Information on Human Rights Act cases and other cases can be found using Sweet & Maxwell's online services; Lawtel and Westlaw.

Sweet & Maxwell, a Thomson Reuters business (NYSE: TRI; TSX: TRI; LSE: TRIL; NASDAQ: TRIN), has an archive of over 250,000 law reports and transcripts online via its Westlaw UK & Lawtel services.

\* Stephen Grosz is a leading human rights lawyer and co-author of “Grosz, Beatson and Duffy on Human Rights”, published by Sweet & Maxwell.

**ENDS**

**Notes to Editors:**

Sweet & Maxwell ([www.sweetandmaxwell.co.uk](http://www.sweetandmaxwell.co.uk)) is a leading provider of information and solutions to the legal and professional markets in the UK and Ireland. With over 200 years of history and heritage in legal publishing, Sweet & Maxwell offers detailed and specialist knowledge, understanding, interpretation and commentary across a wide range of subjects in a variety of formats to meet customers' needs - books, journals, periodicals, looseleaves, CD-ROMs and the market leading online services, Lawtel and Westlaw UK. Sweet & Maxwell is part of Thomson Reuters.

Thomson Reuters is the world's leading source of intelligent information for businesses and professionals. We combine industry expertise with innovative technology to deliver critical information to leading decision makers in the financial, legal, tax and accounting, scientific, healthcare and media markets, powered by the world's most trusted news organization. With headquarters in New York and major operations in London and Eagan, Minnesota, Thomson Reuters employs more than 50,000 people in 93 countries. Thomson Reuters shares are listed on the New York Stock Exchange (NYSE: TRI); Toronto Stock Exchange (TSX: TRI); London Stock Exchange (LSE: TRIL); and Nasdaq (NASDAQ: TRIN). For more information, go to [www.thomsonreuters.com](http://www.thomsonreuters.com).

Press enquiries:

Nick Mattison or Emily Jupp  
Mattison Public Relations  
Tel: 020 7645 3636

Peter Wylie  
Corporate Communications Manager  
Sweet & Maxwell  
Tel: 020 7393 7000