

FINAL

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First increase in reported Human Rights cases in seven years

- **90% rise in businesses using Human Rights Act as argument**
- **34% rise in the number of Human Rights cases involving immigration, asylum and deportation**

The number of reported UK court cases making use of Human Rights arguments rose for the first time in seven years reveals research by Sweet & Maxwell, the legal information provider. The overall number of cases grew by 6% from 327 cases to 348 in the last year (to October 2009 see table below).

According to Sweet & Maxwell the rise has partly been driven by the increase in businesses using the Human Rights Act in legal disputes with government agencies. The number of reported cases using the Human Rights Act brought by businesses was 19, nearly double the 10 reported the previous year.

Sweet & Maxwell points out that the rise in the number of cases involving businesses coincided with one of the toughest economic climates in decades, which may have forced companies to use innovative legal arguments to protect their commercial interests.

The increasing use by businesses of the Human Rights Act was highlighted by the 2009 case where hedge funds RAB Special Situations and SRM Global Master Fund argued that the nationalisation of Northern Rock had deprived them of their property (the value of Northern Rock shares they owned) which, they claimed, was a breach of the Human Rights Act.

The research by Sweet & Maxwell also shows that the number of reported cases where Human Rights arguments have been used against HM Revenue and Customs (HMRC) on tax-related matters was 16, or 5% of all cases.

Accountancy firms have expressed concern that HMRC has become more aggressive in pursuing underpayment of tax. Sweet & Maxwell explains that the number of cases involving HMRC may be triggered by this more forceful attitude by HMRC to their compliance work.

Number of immigration, asylum and deportation cases jumps

According to the research by Sweet & Maxwell there has also been a dramatic leap in the number of reported cases arguing the Human Rights Act involving immigration, asylum and deportation. In the 12 months to October 2009 there were 51 cases (15%) that involved those issues, an increase of over a third on the 38 reported the previous year.

Stephen Grosz*, Head of Public Law and Human Rights at Bindman & Partners and co-author of “Human Rights: Judicial Protection in the United Kingdom”, published by Sweet & Maxwell in 2008 comments: “The Home Office continues to be the biggest repeat defendant in the field when it comes to Human Rights cases.”

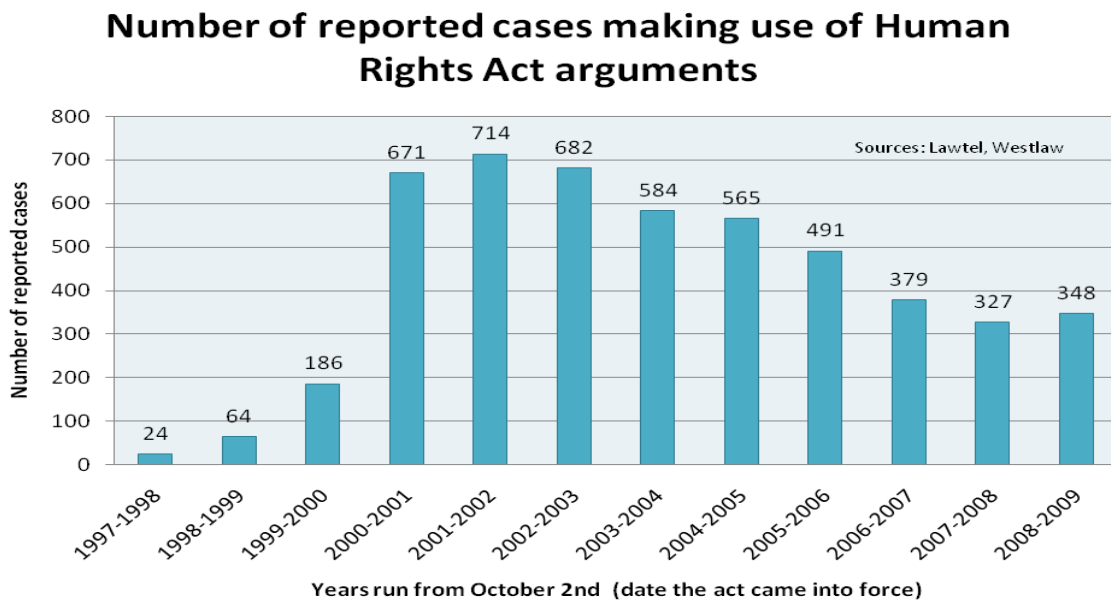
“This is a significant rise in Human Rights cases dealing with immigration, asylum and deportation issues.”

According to Stephen Grosz the Human Rights Act has also played a significant part in terrorism-related cases, in particular those dealing with control orders.

Control orders allow the Home Secretary to restrict an individual's movements and activities for the purpose of protecting members of the public from a risk of terrorism. Its definition and powers were provided by Parliament in the Prevention of Terrorism Act 2005.

Stephen Grosz comments: “Tackling potential terrorist threats to UK nationals remains at the top of the Government’s agenda.”

“Next year will probably see further human rights challenges to control orders, which allow drastic restrictions on freedom of movement and private.”



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

Sweet & Maxwell has an archive of over 335,000 law reports and transcripts online via its Westlaw UK & Lawtel services.

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