

FINAL

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Mr Justice Eady says it is right that UK courts determine privacy laws

Laws relating to the right to privacy should evolve through the UK courts rather than through legislation said Mr Justice Eady in a keynote address to the Sweet & Maxwell/JUSTICE Free Speech versus Privacy conference held today (December 1 2009).

According to Justice Eady it would have been impossible for lawmakers to predict the wide range of cases brought against the media based on Article 8 of the Human Rights Act, the right to respect for private and family life. This would mean that the resulting legislation would be insufficiently flexible to ensure an equal balance between the right to respect of private life and the right to freedom of expression.

Justice Eady said that it has been left to the independent judiciary to strike this careful balance on a case-by-case basis. Justice Eady pointed to Max Mosley's recent legal action against the News of the World as just one of the cases that could not have been foreseen by legislators.

Speaking at the conference hosted by Sweet & Maxwell, a Thomson Reuters business and JUSTICE, a leading human rights charity, Justice Eady said if the UK courts failed to consider the right to privacy it would force claimants to take their cases to the European Court of Human Rights rather than seeking redress in their own courts.

Mr Justice Eady's judgments have been criticised by some areas of the media for eroding freedom of expression. However, Justice Eady said that this criticism has been the natural outcome of the lack of legislation but added that critics cannot ignore the human right to respect for private life.

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Notes to Editors:

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