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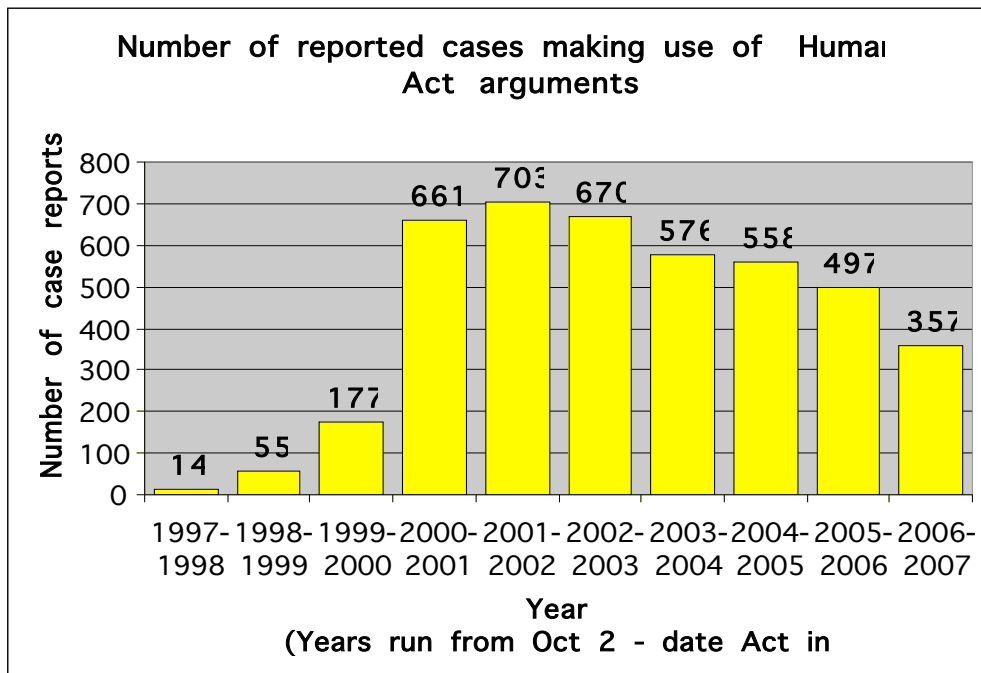
Human Rights Act used in wide scope of cases in British courts

∞ Human Rights argument crops up even in Northern Rock controversy

The use of Human Rights Act (HRA) arguments in UK court cases continues its steady decline following a dramatic jump in 2002, reveal statistics from Sweet & Maxwell, the legal information providers. The breadth of its applicability, however, is expanding, as people are creatively applying the HRA to a wide variety of areas.

The number of reported cases on Sweet & Maxwell's Westlaw UK and Lawtel services that make use of Human Rights Act arguments peaked at 703 in 2001-2002 but has gradually declined to 357 cases in the last year. In the year after the HRA's introduction in October 2000 there were 661 such cases.

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



Comments Stephen Grosz*, Head of Public Law and Human Rights at Bindman & Partners: "The rate of decline in the number of reported cases is perhaps not entirely surprising as the

higher courts have resolved a very considerable body of issues in the relatively short life of the Act.”

“However, the higher courts are still dealing with a very large number of cases under the Act and I would expect the number of reported cases to continue to fall and then level off as further issues are clarified.”

Human Rights law experts say that, even though we are seeing a slight decline in the number of cases, it is now being applied to a broad spectrum of cases such as property, finance, environmental and employment law.

The claim by SRM Global and RAB Capital, the hedge funds with 9.9% stake in Northern Rock, that nationalisation violates the human rights of shareholders is only one example of the breath of applicability of the Act. They claim that the HRA guarantees them a fair value for their shares and are likely to sue the Government for malfeasance in public office.

“The HRA has appeared as a strand of argument in many different types of cases, which illustrates that it has added a new dimension to the law. It is being applied to cases that do not involve merely ‘core’ human rights abuses,” says Grosz.

Cases taken up in UK Courts:

- ∞ In January 2008 a Sikh schoolgirl excluded from school for wearing a religious bangle was granted a court hearing of her claim that the school has violated her human rights under the HRA.
- ∞ In June the House of Lords ruled that the HRA extends to cover those held in UK detention facilities in Iraq.
- ∞ In 2008 an 18-year old mother could receive damages from social services for taking her newborn baby away from her as soon as he was born, after arguing that this went against her rights under the HRA.
- ∞ In 2008 a cancer patient is pursuing legal action against the NHS for refusing her full treatment of her cancer because she paid for part of it privately.
- ∞ In 2007 the family of a mentally ill woman who committed suicide after absconding from a hospital ward claimed that the NHS-run hospital did not ensure that adequate measures were in place to protect the woman’s life, thus failing to protect her under the HRA. The claim was originally dismissed by the High Court in December 2007 but is now before the Court of Appeal.

ENDS

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

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