

# Public Law Update

**RORY DUNLOP**

# Subject Areas

- Legal aid, court fees and costs
- Immigration
- Consultation
- Extra-territoriality
- Information Rights
- Prison, parole and policing

# Legal Aid, Court Fees & Costs

- Civil Legal Aid
- Criminal Legal Aid
- Employment Tribunal Fees



# Civil Legal Aid

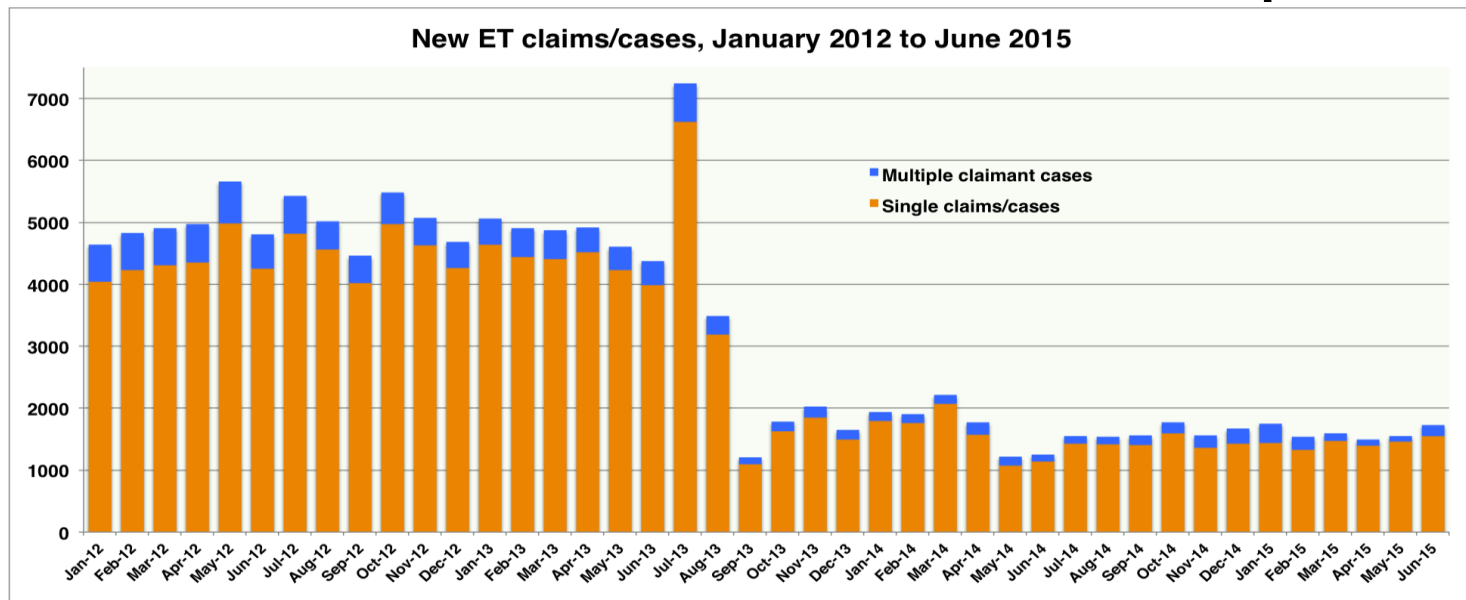
- *Gudanaviciene* – guidance on s.10 wrong
- *R (IS)* – ECF scheme unlawful
- *Rights of Women* – Reg. 33 lawful
- *Letts* – guidance on Art. 2 & inquests wrong
- *Ben Hoare Bell* - Reg. 5A unlawful

# Criminal Legal Aid

- *London Criminal Courts Solicitors Assoc.* – ‘larded with complexity’ - claim dismissed
- *Ryder* – Reg. 12 not ultra vires
- *Howard League for Penal Reform* - TBC

# Employment

- *Unison* – Fees Order not unlawful but unaffordable to be treated as ‘exceptional’



## (2) Immigration

- *Detention Action* – Fast Track Rules unlawful
- Appeals must be pursued from outside UK (*Sood, Ali, Kiarie*)

## (3) Consultation

- Sumpter – dice not ‘loaded’
- West Berkshire – difference between ‘blank sheet of paper’ and ‘validation of a decision already taken’



## (4) Extra-territoriality

- *Al-Saadon* (contrast *Letts* on Art. 2)
- *Hottack* – discrimination provisions of Equality Act did not apply to Afghan interpreters but PSED did

# (5) Information Rights

- *Evans* - power of veto is very limited



## (6) Prison, parole and policing

- *Haney, Kaiyam – James v UK* not followed
- *Gaughran - S & Marper v UK* distinguished
- *R (Black) v SSJ* – Health Act 2006 binds the Crown



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