

Equality & Human Rights Commission

Press Release 20th January 2020



Attorney General of St Helena (Appellant) v AB and others (Respondents) (St Helena)

Lady Hale, Lord Wilson, Lord Briggs, Lady Arden, Lord Sales

The Privy Council today handed down its judgment in the above case, which centred on whether people on St Helena who had suffered pain, suffering and/or loss of amenity after personal injury were entitled to the same compensation as our fellow British Citizens.

In the case in question the Chief Justice and later the three judges in the St Helena Appeal Court had awarded damages at the same level as the UK. However the Attorney General on behalf of SHG argued into the Privy Council Board (the highest Appeal Court in the UK) that as wages on St Helena are lower the damages should be at one third of the rate awarded in England & Wales.

This case has an implication for everyone on St Helena. The Equality and Human Rights Commission therefore was generously granted permission to act as Intervener in the Privy Council proceedings making both written and oral submissions regarding the expectation of Saints to be treated like other full British Citizens. The Privy Council Board expressed their gratitude to the EHRC for their Intervention.

The Privy Council has dismissed the Attorney General's appeal and concluded that the current difference in average earnings between St Helena and the UK was in effect cancelled out by the higher cost of living. This coupled with the Saints likely expectation of being treated equally meant that there was no good reason to apply a different approach to the assessment of personal injury damages to that taken in England & Wales.

The EHRC is delighted with this outcome and would like to Thank the Privy Council Board for allowing the Intervention and our wonderful legal team; Caoilfhionn Gallagher QC, Fiona Murphy and Susie Alegre.

The full Judgment can be read here: <https://www.jcpc.uk/cases/docs/jcpc-2018-0034-judgment.pdf>