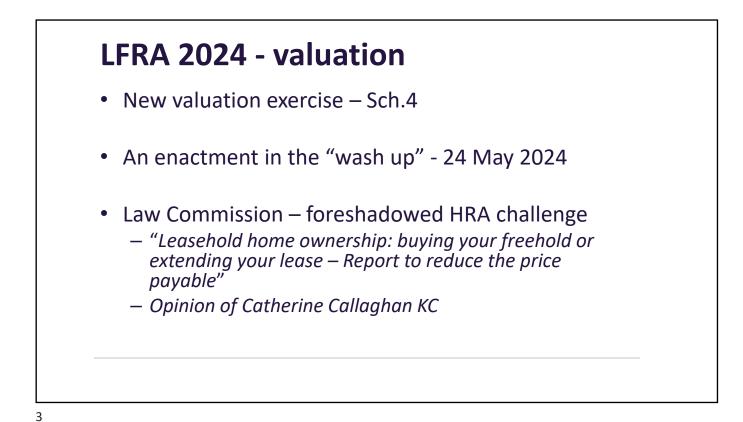
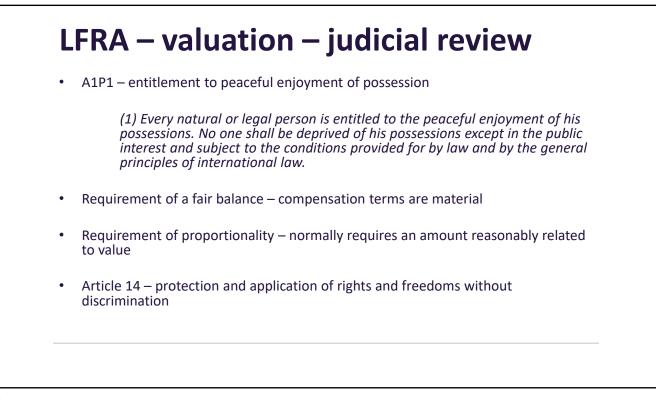
Tanfield ноward келлеру	
Human Rights & LFRA: An	
update from the courts	
Robert Boucher - Howard Kennedy LLP	
James Fieldsend - Tanfield Chambers	
5 March 2025	

## Introduction

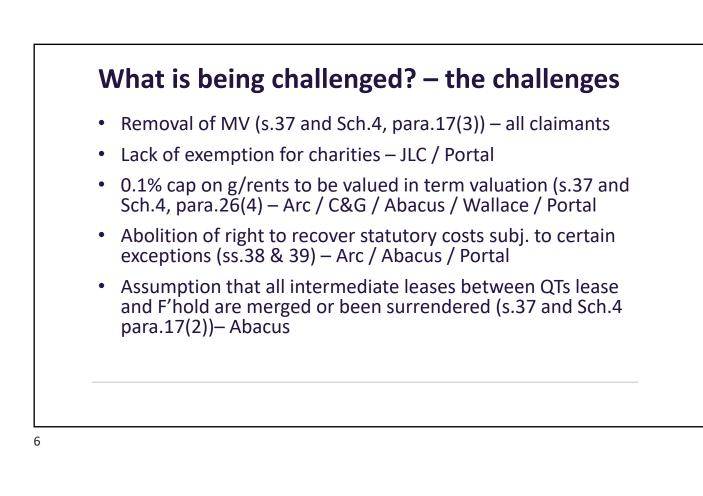
- LFRA 2024 valuation judicial review
- The claims
- What is being challenged?
- Where are we in the litigation?
- What next?

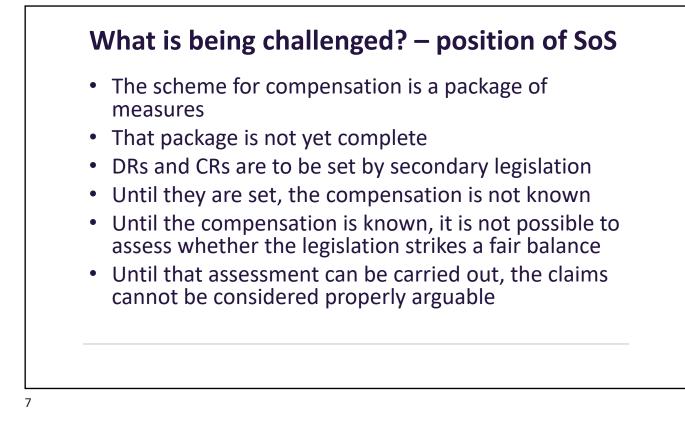
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# What is being challenged? – the (common) response

- The question of compatibility turns on the LFRA
- So, e.g., if the removal of MV is incompatible with A1P1, that cannot be cured by secondary legislation
- DRs and CRs cannot compensate for the removal of MV – they are concerned with different components of value
- The "shadow of blight" the effects of LFRA are real and present: drop in no. claims / -ve effect on valuation of interests

### Where are we in the litigation?

- 7 claims issued HCt listed all 7 to be heard together
- 4 claims agreed a stay with SoS; 3 did not
- SoS applied for the 3 to be stayed
- App for stay 17 Oct 2024 (agreement that if SoS unsuccessful stay of 4 claims would be lifted)
- Chamberlain J app for stay refused
- Listed for permission hearing 29-30 Jan 2025
- Issue: is there are an arguable case?
- Chamberlain J permission given in all claims

### Permission – "shadow of blight"

#### • Chamberlain J:

7. If the legislation under challenge had no current effect on the financial position of the claimants, unless and until it were brought into force, I would accept that it might well be appropriate for the determination of any challenge under A1P1 and/or Article 14 to await the decisions yet to be made in setting deferment and capitalisation rates.

8. However, as I observed in rejecting the applications for stays, the claimants have filed evidence which establishes, at least to the standard of arguability which applies at this stage of the proceedings, that even before the Act is brought into force, it is having real effects on them, in particular by reducing the number of enfranchisement applications.

### What next?

- Substantive hearing
- 4-day hearing in July
- Ministerial statement 21 Nov 24: remains to be seen how permission affects (if at all) what was said as to timetable.

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