Chapter 16: Liability of public authorities and Crown proceedings

Contract: Charles Terence Estates Ltd v Cornwall Council [2012] EWCA Civ 1439

In 16.3.2 we have a brief reference to Credit Suisse v Allerdale Borough Council [1997] QB 306. This case should now be considered in the light of the comments on it in Charles Terence Estates Ltd v Cornwall Council [2012] EWCA Civ 1439, on which see the note at ch 3 above.

Restitution: Charles Terence Estates Ltd v Cornwall Council [2012] EWCA Civ 1439

In the Update for October 2012, under the heading ‘Restitutionary claims by public bodies’, we referred to Cranston J’s decision in Charles Terence Estates Ltd v Cornwall Council [2011] EWHC 2542 (QB). The case has now gone on appeal – [2012] EWCA Civ 1439 – and is referred to in our comments on ch 3 above. As will be seen there, the Court of Appeal found that there was no invalidity and the question concerning restitution did not arise for decision in the Court of Appeal.

Restitution: R (Hemming (trading as Simply Pleasure Ltd)) v Westminster City Council [2012] EWHC 1260 (Admin) [2012] PTSR 1676

In 16.4.7 in relation to restitution and procedural matters, we refer to Jones v Powys Local Health Board [2008] EWHC 2562 (Admin), on which see R (Hemming (trading as Simply Pleasure Ltd)) v Westminster City Council [2012] EWHC 1260 (Admin) [2012] PTSR 1676 dealt with in this Update under ch 14 above.

Public Interest Immunity: In the matter of A (A Child) [2012] UKSC 60

In relation to 16.5.7, note the use of ECHR rights more generally in In the Matter of A (A Child) [2012] UKSC 60.