

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 its judgement in the above case, which centred on whether people on St Helena who had suffered pain, suffering or loss of amenity were entitled to the same compensation as our fellow British Citizens in the UK.

In the case in question the Chief Justice and later the three judges in the St Helena Appeal Court 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 only be on third of those granted in the UK.

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

The Privy Council have disagreed with the Attorney General's arguments and concluded that the that a 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 equal treatment meant there was no case for concluding that compensation for pain, suffering or loss of amenity should be reduced.

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 Judgement can be read here: <https://www.icpc.uk/cases/docs/icpc-2018-0034-judgment.pdf>