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Case Summary posted by the Task Force on Access to Justice

R (on the application of McCaw) v City of Westminster Magistrate's Court [2008] EWHC 1504 (Admin)

1. Key issue	The High Court accepted that the criterion established for the granting of Protective Costs Orders (PCOs) in the Corner House case must in environmental cases be applied flexibly and in the light of the requirements of the Aarhus Convention.
2. Country/Region	UK
3. Court/body	High Court
4. Date of judgment /decision	2008
5. Internal reference	[2008], EWHC 1504 (Admin), para 9
6. Articles of the Aarhus Convention	Article 9(4)
7. Key words	Prohibitive costs, PCOs
8. Case summary	<p>In this case, the High Court accepted that the criterion established for the granting of Protective Costs Orders (PCOs) in <i>Corner House</i> must be applied flexibly and "... <i>must be applied in environmental case contexts in the light of the Aarhus Convention. I accept that in general terms, without wishing to tie the hands of any court that considers the matter hereafter, the suggestions of the Sullivan working party should be taken into account by the Court.</i>"</p>
9. Link address	Judgment not available