UK Supreme Court
Student Writing Competition
2019/20

Information Pack

The competition:

Have you recently been on a tour of the UK Supreme Court with your school? Did your visit spark an interest in the law? Are you considering studying law at university? Or perhaps you have a general interest in how the justice system works here in the UK.

If you want to learn more about the work of the Supreme Court (and gain new skills as you do so), you might be interested in entering the UK Supreme Court Student Writing Competition. In doing so you can:

○ Build research skills

○ Develop your persuasive writing technique

○ Learn more about law in the UK

○ It will look good on your UCAS form too!

If that wasn't incentive enough, there are also prizes:

○ **First place:** £100 Book Voucher, spend a day at the Supreme Court and have tea with a Justice.

○ **Second place:** £75 Book Voucher.

○ **Third place:** £50 Book Voucher.

What do you need to do?

To enter please pick one of the questions on page 3 and make your arguments for or against. We are not looking for a balanced paper but, as lawyers do in court, we want you to present one side of the argument. You will need to draw on at least two Supreme Court cases (or more). You can also use relevant media articles and papers to assist your arguments.

Word limit: Your papers should be between 1,000-1,500 words.

What do you need to know?

The deadline for submission is by 11:59 on Friday 31st January 2020. If your essay is ready before this date, feel free to submit your essay earlier. **We hope to notify the winners by the end of March.**

Please complete the entry form on our website and email it with your argument papers to: enquiries@supremecourt.uk

Who is eligible to enter?

All Y12 and Y13 students (or equivalent) can enter. The competition may be of particular interest to those who are considering studying law or politics at university.

The Questions:

Please choose one of the following questions:

- **Has the law reached a fair balance between protecting the rights of individuals, whilst still safeguarding society against crime and terrorism?**

- **Has the law successfully adapted to combat discrimination or are there areas where it needs to go further to protect minorities?**

- **Does the law do enough to balance the right to religious freedom against the possibility of unjustified discrimination?**

- **Is it justifiable that public interest can override an individual's right to privacy?**

Overleaf you will find a list of cases that you might find helpful when preparing for your essays. This is by no means an exhaustive list of relevant cases – if you know of any others, feel free to use them instead. You don't have to simply refer to cases that have come to the Supreme Court, you may also consider referring to some cases that have been heard in lower courts too but please remember that we would like you to refer to at least two Supreme Court cases in your answers.

If you have any questions, please email: **enquiries@supremecourt.uk**

We look forward to receiving your papers – good luck!

You might find some the following cases helpful when thinking about your arguments:

Beghal (Appellant) v Director of Public Prosecutions (Respondent):

In 2011, Mrs Beghal was on her way back to the UK after visiting her husband in Paris. Her husband was in custody on terrorism charges. As she was passing through East Midlands Airport the police arrested her at the airport under Schedule 7 of the Terrorism Act 2000, which deals with questioning individuals at ports or borders "for the purpose to determining whether he appears to be (or have been) concerned in the commission, preparation or instigation of acts of terrorism."

Mrs Beghal asked for a lawyer and for an opportunity to pray. Both requests were granted. She was searched and questioned about her relationship with her husband, her reasons for travel, where she had stayed and whether she had travelled beyond France. She refused to answer these questions and was charged with the offence of wilful failure to comply with the requirement to answer questions, she was then released.

She later brought proceedings. She argued that the way she had been treated was a breach of Article 5 the right to liberty, Article 6 the right to self-incrimination and finally, Article 8, the right to respect for private and family life of the European Convention of Human Rights (ECHR).

The case came before the UK Supreme Court. Find out more about the case and the judgment via the link below:

https://www.supremecourt.uk/cases/uksc-2013-0243.html

R (on the application of GC) (FC) (Appellant) v The Commissioner of Police of the Metropolis (Respondent) and

R (on the application of C) (FC) (Appellant) v The Commissioner of Police of the Metropolis
(Respondent)

These cases related to the retention of personal data following the investigation of a crime.

In 2001, changes were made to the Police and Criminal Evidence Act which meant that samples of fingerprints taken from a person in connection with the investigation of an offence "may be retained after they have fulfilled the purposes for which they were taken." The police were given guidelines which stated that this data should only be destroyed in exceptional circumstances.

In December 2007, Mr GC was arrested on suspicion of common assault of his girlfriend. He denied the offence. A DNA sample, fingerprints and photos were taken after his arrest but later that day he was released on bail, and no further action was taken.

In March 2009, Mr C was arrested on suspicion of rape, harassment and fraud. Fingerprints and a DNA sample were taken. He denied the charges. He was charged for rape but when in court, the prosecution offered no evidence, so the charges were dropped.

In both cases, the appellants asked that their data be destroyed, but their request was denied. So, they took the matter to the courts. The case came before the UK Supreme Court in 2011. The appellants argued that the refusal to destroy their data was a breach of Article 8 of ECHR, the right to a private life.

Discover more details and the outcome of the case via the link below:

https://www.supremecourt.uk/cases/uksc-2010-0173.html

R (on the application of Roberts) (Appellant) v Commissioner of Police of the Metropolis (Respondent):

Section 60 of the Criminal Justice and Public Order Act 1994, permits a police officer to stop and search any person or vehicle for offensive weapons or dangerous instruments, whether or not he has any ground for suspicion. Before this can happen, the police need to be granted

permission by a senior police officer and the searches must be limited to a certain time and place.

In September 2009, following several incidences of gang violence in Haringey, a Superintendent had authorised for searches to take place for 17 hours in the Haringey area. This was deemed to be necessary to protect the public from serious violence.

During this time, a Police Constable was called to an incident on the 149 bus after a woman (Mrs Roberts) had refused to pay her fare. She denied having any ID on her, refused to identify herself and held her bag very tightly in a suspicious manner. The PC's experience was that it was not uncommon for women of a similar age to carry weapons for other persons. So, she searched the woman in case she was connected to the gang violence.

Mrs Roberts brought a case to the UK Supreme Court, alleging that the stop and search breached her rights under Article 8 of ECHR, the right to a private life. She argued that this power was not in accordance with the law.

Find out what happened to Mrs Roberts' appeal via the links below:

https://www.supremecourt.uk/cases/uksc-2014-0138.html

FirstGroup Plc (Respondent) v Paulley (Appellant):

Mr Paulley is a wheelchair user who attempted to board a bus just outside Leeds. The bus had a space marked for wheelchair users and a sign saying "Please give up this space for a wheelchair user." At the time Mr Paulley attempted to board, a woman with a sleeping child in a pushchair occupied this space. She was asked by the driver to fold down the chair and move; however, she refused, stating that it did not fold down. Mr Paulley had to wait for the next bus as a result. Mr Paulley issued proceedings against the bus company. The bus company said they had a 'first come, first served' policy whereby a non-wheelchair user occupying a space would be asked to move, but if they refused to do so, nothing further would be done. Mr Paulley claimed that this was unlawful discrimination because it placed wheelchair users at severe disadvantage by comparison with non-disabled passengers.

The case came before the Supreme Court in 2016, find out what happened here:

https://www.supremecourt.uk/cases/uksc-2015-0025.html

R (on the application of Tigere) (Appellant) v Secretary of State for Business, Innovation and Skills (Respondent):

To qualify for a student loan under Regulation 4 (a) of the Education Regulations 2011, a student must be lawfully resident in the UK for 3 years before the day the academic year begins. This means all students with limited or discretionary right to remain in the UK are ineligible for student loans.

Beaurish Tigere was a 20-year-old Zambian national who came to the UK in 2001 at the age of 6. Her mother outstayed her right to remain and as such Miss Tigere was herself considered to be unlawfully present in the UK until 2012 until she regularised her immigration status. Miss Tigere was then granted discretionary leave to remain, but she does not qualify to apply for indefinite leave to remain until 2018.

Miss Tigere received all her education in this county, she had achieved good grades in her A Levels and had been offered a place at university. Miss Tigere wanted to go to university but as she did not qualify for a student loan, she could not afford to go.

She took her case to the Supreme Court in 2015, arguing that this blanket policy breached Article 2 Protocol 1 of ECHR, 'the right to education' and that she was unjustifiably discriminated against because of her national origin under Article 14 of ECHR. Learn more about the outcome of Miss Tigere'scase via the link below:

https://www.supremecourt.uk/cases/uksc-2014-0255.html

Bull and another (Appellants) v Hall and another (Respondents):

Mr and Mrs Bull owned a Bed and Breakfast in Cornwall. They are committed Christians who believe that sexual intercourse outside of marriage is a sin. They operated a policy at their B&B whereby only "heterosexual married couples" could share a double room. This policy was outlined on their website.

Mr Hall and Mr Preddy were a homosexual couple in a civil partnership, they made a booking at the B&B for a double room. As they made the booking over the phone, they were not aware of the policy regarding married couples. They arrived at the B&B and were told they were not allowed to share a double bed. They left to find other accommodation, feeling very hurt by the treatment they had received.

Later, they decided to take the B&B owners to court arguing that they had been discriminated against because of their sexual orientation. The B&B owners, however, stated that the discrimination was justified and argued instead that if they had been forced to allow non-married homosexual couples to share a double room at their B&B, this would be an infringement of Article 9 of ECHR, 'the right to manifest their religious beliefs.'

The case worked its way through the UK courts system and came to the Supreme Court in 2013. For more information, please visit the link below:

https://www.supremecourt.uk/cases/uksc-2012-0065.html

James Rhodes (Appellant) v OPO (by his litigation friend BHM) and another (Respondents):

James Rhodes is a concert pianist, author and television filmmaker. He had written a book about his life which he wanted to publish. The book included searing accounts of physical and sexual abuse and rape inflicted on him at the age of 6 by his boxing coach at school. Subsequently, he had suffered mental health problems and had resorted to alcohol, drugs and self-harm. He felt it was important to address these issues in his book to help others who may have had similar experiences. The book also talked about his first marriage to an American novelist and mentioned the son they had together. In December 2013, a first draft of the book was seen by the child's mother. She wanted changes to be made to the book as she was concerned that the book would cause psychological harm to her son. In June 2014, she bought proceedings on behalf of her son seeking an injunction prohibiting publication of the book or the deletion of many paragraphs. The case reached the Supreme Court in January 2015. Find out what happened via the link below:

https://www.supremecourt.uk/cases/uksc-2014-0251.html

R (on the application of Evans) and another (Respondents) v Attorney General (Appellant):

Under the Freedom of Information (FOI) Act of 2000, members of the public can request to see certain documents held by many public bodies. The Environmental Information Regulations of 2004 (EIR 2004) also allows members of the public to have access to information from public bodies about environmental issues. There are some exemptions to this, for example, if the release of the information might threaten public security.

In 2005, Mr Evans, a Guardian journalist, submitted requests under both FOIA 2000 and EIR 2004. to see papers relating to correspondence between HRH Prince Charles and government ministers. These became known as the 'Black Spider' papers. He felt it was in the public interest that these papers be made available, to ensure that the future King was not influencing government policy.

The request was refused and so Mr Evans appealed to the Information Commissioner, who also refused the request as it was considered to be private correspondence, which falls under an FOI exemption. Mr Evans then appealed to an Information Tribunal and later to an Upper Tribunal, which ruled that many of the letters (referred to as "advocacy correspondence") should be disclosed. However, the government's chief legal adviser, the Attorney General, refused to release the papers going against the decision of the Upper Tribunal (which has the same status as a High Court). Mr Evans issued proceedings challenging this. The Divisional Court dismissed his claim. However, the Court of Appeal allowed his appeal. The Attorney General appealed to the Supreme Court The judgment was given by the Supreme Court in March 2015. Read more about the case and via the link below:

https://www.supremecourt.uk/cases/uksc-2014-0137.html

In the matter of an application by JR38 for Judicial Review (Northern Ireland):

The appellant (referred to as JR38) was involved in some serious rioting in Derry in July 2010. He was only 14 years old at the time, but the rioting was caught on CCTV. The images were later published in two newspapers as a way of identifying those involved and to discourage further rioting. The appellant appealed to the Courts, arguing that the release of these images was a breach of Article 8, the right to a private life. The lower courts found that the interference with Article 8 was justified because it was necessary for the administration of justice and it was not excessive in these circumstances. JR38 appealed further to the Supreme Court. Find more information about the case via the following link:

https://www.supremecourt.uk/cases/uksc-2013-0181.html

PJS (Appellant) v News Group Newspapers Ltd (Respondent):

PJS is married to YMA. Both are well-known in the entertainment business and they have two young children together. Between 2009 and 2011, PJS had a sexual relationship with AB and, on one occasion, with AB and CD.

In January 2016, the editor of The Sun newspaper got hold of this story and notified PJS that he intended to publish it. PJS issued proceedings claiming that the publication would breach his right to privacy and confidentiality under Article 8 of ECHR and applied for an interim injunction to stop the paper printing the story. The Court was asked to balance PJS's right to privacy against the News Group Newspapers Ltd (NGN)'s right to freedom of expression under Article 10 of ECHR.

The High Court initially refused the application for an interim injunction but then it progressed to the Court of Appeal who allowed it and the newspapers were told they would not be allowed to print the story. But, in April 2016, the story was published by newspapers in the USA, Canada and Scotland where the injunction did not stand. The information was also readily available on social media.

Following this, NGN returned to the Court of Appeal asking them to set aside the injunction as the story was already in the public domain.

The Court of Appeal agreed to set aside the injunction but PJS then appealed to the Supreme Court. Find out what happened via the link below:

https://www.supremecourt.uk/cases/uksc-2016-0080.html

Greater Glasgow Health Board (Appellant) v Doogan and another (Respondents) (Scotland)

Two senior midwives, Mary Doogan and Concepta Wood were working in a general hospital in Glasgow. As devour Catholics they had previously registered their conscientious objection to taking part in the termination of a pregnancy (abortion). The Abortion Act (1967) which made terminations legal in England, Wales and Scotland specifically allows for this objection.

During a reorganisation of the hospital's services, terminations (abortions) were allocated to their ward and they were given a new role was as Labour Ward Co-Ordinators. As such they would book patients in, allocate staff and support the other midwives who were directly involved in the terminations.

The Catholic midwives were of the belief that they should not be required to delegate or supervise other staff in any way as in doing so they would be going against their religious beliefs. Their employers argued that they should not be exempt from providing support and that the right of conscientious objection only referred to the refusal to take part in activities that directly brought about the termination of a pregnancy.

Mrs.Doogan and Mrs.Wood challenged this decision in the Scottish courts, with the case finally being appealed to the Supreme Court in November 2014.

For more details about the case please visit the link below:

https://www.supremecourt.uk/cases/uksc-2013-0124.html