

TO ALL CALC MEMBERS – Dated 4.10.2018

Dear All –

Further to our recent e-mails regarding Crantock Parish Council's application for Judicial Review of a Cornwall Council planning decision, we have today been alerted to an issue which we need to make our members aware of.

This concerns a potential risk for any council which decides to offer financial support for Crantock PC's action. The suggestion has been made that a council which decides to contribute to Crantock PC's funding thereby becomes a party to the Judicial Review and so could be liable for a proportion of costs if judgement is awarded against Crantock.

We are urgently seeking clarification of the legal position and will keep you updated

Kind regards-

Chris

Chris Burnham

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TO ALL CALC MEMBERS Dated 17.10.2018

Dear All –

Further to our recent e-mail, we have been in contact with Cllr Ben Dobson, Chair of Crantock Parish Council, to clarify the position regarding its request for funding assistance and the potential risks to contributing councils.

The Solicitors acting for Crantock PC have referred Cllr Dobson to the statement on the CrowdJustice "Terms of Use" which he believes is relevant to the current situation. This states:

Risks of funding litigation

- *In our view UK case law indicates that pure funders – Backers who don't have a personal interest in the Case, don't stand to benefit from it and don't control the course of the Case – will not typically have any liability beyond their initial Pledge. Like any existing practice based on law, this could change. In any case we are obliged to emphasise that we do not give, and this is not, legal advice, and should not be construed as such – in particular, we cannot advise whether or not the Courts would see you as a pure funder or not in any particular circumstance. If you have concerns on this point you should seek independent legal advice. We make no warranties or representations as to costs or other risks of donating to any particular Case.*
- *New legislation that came into effect in the UK in April 2015 indicates that in judicial review cases, people who donate over a certain amount may have to be identified to the courts. That amount has been set at £3,000. This requirement could expose backers who give over £3,000 to judicial reviews in certain instances to further costs risks. The requirement brought in by this legislation will exist whether you donate to a case online or offline.*

Cllr Dobson has asked us to draw members' attention to the full statement at (<https://www.crowdjustice.com/terms-and-conditions/>)

However, if Councils have further concerns, they are advised to seek separate legal advice.

Kind regards-

Chris

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