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PRESS RELEASE

PRINCE CHARLES AND THE DUCHY OF CORNWALL LOSE LANDMARK CASE

- DUCHY MUST RELEASE ENVIRONMENTAL INFORMATION
- DUCHY OF CORNWALL IS A "PUBLIC AUTHORITY"

An environmental campaigner seeking to protect the Fal and Helford Special Area of Conservation, has won his claim that the Duchy of Cornwall is a public authority and must release information about activities in the river and estuary.

The tribunal rejected the Prince's claim that the Duchy was simply a private estate producing an income of over £17 million per year for the heir to the throne and was not even a legal entity. The Prince had contended that the land was his to do with as he liked, and that "the Duchy is not democratically accountable in any meaningful sense."

The Duchy described Mr Bruton's argument that the revenue of the Duchy is effectively public money was "no more than a political position dressed up as legal analysis". The Tribunal rejected this, finding that the Duchy provides "indirect public funding" (§107) to the Prince of Wales.

The decision means that the Duchy must be bound by the Environmental Information Regulations and divulge environmental information to the public. The Duchy owns 180 miles of coastline, around 53,628 hectares of land in 23 counties, mostly in the South West of England and the Isles of Scilly, where it carries out the functions of the statutory harbour authority. The land covers many special areas of conservation, AONBs and Sites of Special Scientific Interest.

The decision will open the Duchy lands to public scrutiny in relation to the environment and its protection.

Background

The case was brought by Michael Bruton, represented by Harrison Grant, solicitors, and Karen Steyn and Joseph Barrett of counsel.

Mr Bruton is a member of the Port Navas Quay Preservation Committee and the case before the Information Tribunal follows a long battle to extract information about non-native oyster cultivation and dredging which could cause environmental damage to the Helford River.

It was against the ICO who had upheld the Duchy's contention that it was not a public authority and therefore not covered by environmental information regulations.

The Duchy of Cornwall and the Prince of Wales asked to be joined in the case. They were represented by Farrer and Co and by the Attorney General to the Prince of Wales, Jonathan Crow QC.

The case was heard in London over two days on 20th and 21st September 2011, with oral evidence given by the Duchy's Secretary and Keeper of the Records, Mr WRA Ross CVO.

It was argued for Mr Bruton that the Duchy was clearly a legal entity, which could enter into contracts, that it was public in nature having been established by statute and carried out administrative functions such as "bona vacantia" (dealing with intestacy and company failure in the County of Cornwall) and the functions of a statutory harbour authority in the Isles of Scilly.

The Tribunal agreed and in the conclusion of its 32 page ruling ordered that the Duchy deal with Mr Bruton's request for information.

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