



OVERSEAS DECISIONS BULLETIN

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Decisions of the Supreme Court of the United Kingdom, the Supreme Court of Canada, the Supreme Court of the United States, the Constitutional Court of South Africa and the Supreme Court of New Zealand. Admiralty, arbitration and constitutional decisions of the Court of Appeal of Singapore.

Administrative Law

T-Mobile South, LLC v City of Roswell, Georgia
Supreme Court of the United States: [Docket 13-975](#).

Judgment Delivered: 14 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Administrative Law – Judicial Review – Grounds of Review – Failure to give reasons at the time of the decision – Relevant provisions of the *Telecommunications Act* of 1996 required local governments' denial of requests for sites for towers to be in writing and supported by substantial evidence contained in a written record.

Held (6:3): Reversed and remanded.

Arbitration

Sinwa SS (HK) Co Ltd v Nordic International Ltd and another
Court of Appeal of Singapore: [\[2014\] SGCA 63.](#)

Judgment Delivered: 6 January 2015.

Coram: Sundaresh Menon CJ, Andrew Phang Boon Leong JA and Steven Chong J.

Catchwords:

Arbitration – Leave to commence arbitration proceedings – Where the appellant, on behalf of the first respondent commenced arbitration against a third party – Where the appellant sought the second respondent’s consent for the first respondent to commence arbitration against the third party – Where the second respondent refused and the appellant sought an order from the court to commence arbitral proceedings against the respondents and a third party– Where the primary judgment made no order on the appellant’s application –Whether primary judge was entitled to make no order on the application– Whether decision to make no order is capable of being appealed – Whether it was appropriate to make an order in circumstances where the first arbitral proceedings was still on-going.

Held (3:0): Appeal dismissed.

Competition

Tervita Corp v Canada (Commissioner of Competition)
Supreme Court of Canada: [2015 SCC 3.](#)

Judgment Delivered: 22 January 2015.

Coram: McLachlin CJ, Abella, Rothstein, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

Catchwords:

Competition - Mergers - Review - Commissioner of Competition opposed merger on ground that merger likely to prevent competition substantially - Merged parties raised statutory efficiencies defence - Competition Tribunal rejected defence and making divestiture order - Proper legal test for determining when merger gives rise to substantial prevention of competition under Competition Act - Proper approach to statutory efficiencies defence - Content of Commissioner’s burden for purposes of efficiencies defence - Whether merger likely to prevent competition substantially - Whether gains in efficiency resulting from merger greater

than and offset anti-competitive effects of merger - Competition Act, R.S.C. 1985, c. C-34, ss. 92, 96.

Administrative law - Appeals - Standard of review - Competition Tribunal - Standard of review applicable to tribunal's determinations of questions of law arising under *Competition Act*, R.S.C. 1985, c. C-34 - Whether statutory language in appeal provision rebuts presumption that standard of reasonableness applies to tribunal's interpretation of own statute - *Competition Tribunal Act*, R.S.C. 1985, c. 19 (2nd supp.), s. 13(1).

Held (6:1): Appeal allowed.

North Carolina Board of Dental Examiners v Federal Trade Commission
Supreme Court of United States: [Docket 13-534](#).

Judgment Delivered: 25 February 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Competition - Anti-Trust Immunity - Where legislature delegated regulation of dentists to a dental board - Whether self-regulation grants anti-trust immunity - Where a state empowers a group of active market participants to decide who can participate in the market - Whether there is a requirement for state supervision through anti-trust regulation.

Held (6:3): Affirmed.

Constitutional Law

Mounted Police Association of Ontario & Ors v Canada (Attorney General) & Ors

Supreme Court of Canada: [2015 SCC 1](#).

Judgment Delivered: 16 January 2015.

Coram: McLachlin CJ, LeBel, Abella, Rothstein, Cromwell, Karakatsanis and Wagner JJ.

Catchwords:

Constitutional law - Charter of Rights - Freedom of association - Right to collective bargaining - Scope of constitutional protection - Private associations of RCMP members challenged constitutionality of legislation excluding RCMP members from public service labour relations regime and imposing non-unionized regime - Legislatively imposed regime not

independent from management and not providing for employee choice of association or input into selection of collective goals - Whether impugned legislation substantially interfered with right to meaningful process of collective bargaining and thereby infringed constitutional guarantee of freedom of association - If so, whether infringement justifiable - *Canadian Charter of Rights and Freedoms*, ss. 1, 2(d) - *Royal Canadian Mounted Police Regulations*, 1988, SOR/88-361, s. 96 - *Public Service Labour Relations Act*, S.C. 2003, c. 22, s. 2(1) "employee" (d).

Held (6:1): Appeal allowed.

Merredith v Canada (Attorney General)

Supreme Court of Canada: [2015 SCC 2](#).

Judgment Delivered: 16 January 2015.

Coram: McLachlin CJ, LeBel, Abella, Rothstein, Cromwell, Karakatsanis and Wagner JJ.

Catchwords:

Constitutional law - Charter of Rights - Freedom of association - Right to collective bargaining - Wage rollback - Statutory limit on wage increases in public sector - Treasury Board unilaterally reduced previously agreed-upon wage increases for RCMP members - Federal wage restraint legislation subsequently enacted in response to global financial crisis, giving statutory effect to Treasury Board decision with respect to RCMP members - Whether legislation infringed constitutional guarantee of freedom of association - If so, whether infringement justifiable — *Expenditure Restraint Act*, S.C. 2009, c. 2, s. 393 — *Canadian Charter of Rights and Freedoms*, ss. 1, 2(d).

Held (6:1): Appeal dismissed.

Democratic Alliance v African National Congress and Another

Constitutional Court of South Africa: [\[2015\] ZACC 1](#).

Judgment Delivered: 19 January 2015.

Coram: Moseneke DCJ, Cameron J, Froneman J, Jafta J, Khampepe J, Leeuw AJ, Madlanga J, Nkabinde, Van der Westhuizen J and Zondo J.

Catchwords:

Constitutional Law - Alleged breach of section 89(2)(c) of the *Electoral Act* - Publication of false information to influence outcome of election - alleged breach of Electoral Code of Conduct - Defence of fair comment - opinion - Sections 16 and 19 of the Constitution - Freedom of expression - Right to vote - Right to free and fair elections - Does section 89(2)(c) of *Electoral*

Act apply to a statement of opinion or does it apply only to statements of fact? - Analysis of case law on fair comment - penal provisions to be interpreted restrictively — Was published statement false? - Statement that “the Nkandla report shows how Zuma stole your money to build his R246m home” held to be opinion and not statement of fact and not to breach section 89(2)(c) of Electoral Act - appeal from Electoral Court to Supreme Court of Appeal competent - leave to appeal granted - Appeal upheld — Decision of Electoral Court set aside.

Held: Appeal granted.

Saskatchewan Federation of Labour v Saskatchewan
Supreme Court of Canada: [\[2015\] SCC 4](#).

Judgment Delivered: 30 January 2015.

Coram: McLachlin CJ, LeBel, Abella, Rothstein, Cromwell, Karakatsanis and Wagner JJ.

Catchwords:

Constitutional law - Charter of Rights - Freedom of association - Right to collective bargaining - Wage rollback - Statutory limit on wage increases in public sector - Treasury Board unilaterally reduced previously agreed-upon wage increases for RCMP members - Federal wage restraint legislation subsequently enacted in response to global financial crisis, giving statutory effect to Treasury Board decision with respect to RCMP members - Whether legislation infringes constitutional guarantee of freedom of association - If so, whether infringement justifiable - *Expenditure Restraint Act*, S.C. 2009, c. 2, s. 393 - *Canadian Charter of Rights and Freedoms*, ss. 1, 2(d).

Held (5:2): Appeal allowed in part.

President of the Republic of South Africa and Others v South African Dental Association and Another
Constitutional Court of South Africa: [\[2015\] ZACC 2](#).

Judgment Delivered: 27 January 2015.

Coram: Mogoeng CJ, Moseneke DCJ, Cameron J, Froneman J, Khampepe J, Leeuw AJ, Mdlana J, Nkabinde J, Tshiqi AJ, Van der Westhuizen J and Zondo J.

Catchwords:

Section 167(6) of the Constitution - Direct access - Application to declare invalid and set aside President’s Proclamation - Review of exercise of public power - *National Health Act* 61 of 2003 - Sections 36 to 40 - Decision to bring provisions into operation premature - Rationality review.

Held: Direct access granted, proclamation 21 of 2014 is declared invalid and set aside.

Carter v Canada (Attorney General)
Supreme Court of Canada: [2015 SCC 5](#).

Judgment Delivered: 6 February 2015.

Coram: McLachlin CJ, LeBel, Abella, Rothstein, Cromwell, Moldaver, Karakatsanis, Wagner and Gascon JJ.

Catchwords:

Constitutional law - Division of powers - Interjurisdictional immunity - Criminal Code provisions prohibit physician-assisted dying - Whether prohibition interferes with protected core of provincial jurisdiction over health - *Constitution Act, 1867*, ss. 91(27), 92(7), (13) and (16).

Constitutional law - Charter of Rights - Right to life, liberty and security of the person - Fundamental justice - Competent adult with grievous and irremediable medical condition causing enduring suffering consented to termination of life with physician assistance - Whether Criminal Code provisions prohibiting physician-assisted dying infringe s. 7 of Canadian Charter of Rights and Freedoms - If so, whether infringement justifiable under s. 1 of Charter - *Criminal Code*, R.S.C. 1985, c. C-46, ss. 14, 241(b).

Constitutional law - Charter of Rights - Remedy - Constitutional exemption - Availability - Constitutional challenge of Criminal Code provisions prohibiting physician-assisted dying sought declaration of invalidity of provisions and free-standing constitutional exemption for claimants - Whether constitutional exemption under s. 24(1) of *Canadian Charter of Rights and Freedoms* should be granted.

Courts - Costs - Special costs - Principles governing exercise of courts' discretionary power to grant special costs on full indemnity basis - Trial judge awarded special costs to successful plaintiffs on basis that award justified by public interest, and ordering Attorney General intervening as of right to pay amount proportional to participation in proceedings - Whether special costs should be awarded to cover entire expense of bringing case before courts - Whether award against Attorney General justified.

Held (9:0): Appeal allowed.

Recovery of Medical Costs for Asbestos Diseases (Wales) Bill: Reference by the Counsel General for Wales (Applicant) and The Association of British Insurers (Intervener)
Supreme Court of the United Kingdom: [\[2015\] UKSC 3](#).

Judgment Delivered: 9 February 2015.

Coram: Lord Neuberger, Lady Hale, Lord Mance, Lord Hodge, Lord Thomas.

Catchwords:

Devolution — Wales — Devolution issue — Health devolved issue — Costs incurred by National Health Service in Wales for treating patients with asbestos-related disease — Assembly purporting to pass Bill recovering costs by imposing liability on patients' former employers where liability for causing patient to contract disease established or alleged and compensation paid — Bill extending any asbestos-liability insurance held by employer so as to cover new liability for treatment costs — Whether enactment of provision requiring recovery from employers competent as relating to "organisation and funding of health service" — Whether enactment of provision imposing new liability on insurers competent as providing for enforcement of provision aimed at recovery from employers — Whether imposition of unforeseen liabilities infringing employers' and insurers' Convention right to enjoyment of possessions — *Human Rights Act 1998* (c 42), Sch 1, Pt II, art 1 — *Government of Wales Act 2006* (c 32), s 108(3)(4)(5)(6), Sch 7, Pt 1, para 9 (as amended by Legislative Reform (Health and Safety Executive) Order 2008 (SI 2008/960), Sch 3, para 1).

Held (5:0): The Bill is beyond competence of the Welsh Assembly.

Attorney General of Canada v Federation of Law Societies of Canada
Supreme Court of Canada: [2015 SCC 7](#).

Judgment Delivered: 13 February 2015.

Coram: McLachlin CJ, LeBel, Abella, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

Catchwords:

Constitutional law - Charter of Rights - Right to liberty - Fundamental justice — Search and seizure - Solicitor-client privilege - Lawyer's duty of commitment to client's cause - Whether Canada's anti-money laundering and anti-terrorist financing legislation, as it applies to legal profession, infringed right to be free of unreasonable searches and seizures - Whether legislation infringed right not to be deprived of liberty otherwise than in accordance with principles of fundamental justice - If so, whether infringement justifiable - *Canadian Charter of Rights and Freedoms*, ss. 1, 7, 8 - *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2000, c. 17, ss. 5(i), 5(j), 62, 63, 63.1, 64 - *Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations*, SOR/2002-184, ss. 11.1, 33.3, 33.4, 33.5, 59.4.

Held (7:0): Appeal allowed in part.

Kansas v Nebraska Et Al.

Supreme Court of the United States: [Docket 126-Org.](#)

Judgment Delivered: 24 February 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Constitutional law – Agreements between states – Where Nebraska and Kansas had an agreement with respect to the apportionment of water originating in the Republican River Basin – Where Nebraska breached the agreement through overconsumption – Whether the Masters award of \$5.5 million to remedy the breach was appropriate – Whether Nebraska should be subject to an injunction.

Held (6:3): Special Master’s recommendations adopted.

Corporations

Allied Concrete Ltd v Meltzer, Fences & Kerbs Ltd v Farrell and Hiway Stabilisers New Zealand Ltd v Meltzer

Supreme Court of New Zealand: [\[2015\] NZSC 7.](#)

Judgment Delivered: 18 February 2015.

Coram: Elias CJ, McGrath, William Young, Glazebrook and Arnold JJ.

Catchwords:

Corporations – *Corporations Act 1993* (NZ) – Operation of voidable transactions – Where s 296(3) of the Act provides that a court must not order repayment by a party who proves that when it received the payment from an insolvent company that it gave value for the payment – Meaning of “gave value”.

Held (5:0): Appeal allowed.

Criminal Law

Whitfield v United States

Supreme Court of the United States: [Docket 13-9026.](#)

Judgment Delivered: 13 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Criminal Law – Sentencing – Relevant Factors – where 18 U. S. C. §2113(e) requires enhanced penalties where a person forces another to accompany him without consent in the course of committing or fleeing a bank robbery – Whether requiring a person to go to another room falls within the definition.

Held (9:0): Affirmed.

Criminal Procedure

Jennings v Stephens

Supreme Court of the United States: [Docket 13-7211](#).

Judgment Delivered: 14 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Criminal Law – Appeal – Procedure – Whether a defendant is required to cross-appeal on an alternative native ground where the state appellants appeals a decision on a single ground.

Held (6:3): Reversed and remanded.

Employment Law

M&G Polymers USA LLC v Tackett

Supreme Court of the United States: [Docket 13-1010](#).

Judgment Delivered: 26 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Employment Law – Health-care benefits under a collective bargaining agreements – Whether health-care benefits have been “vested” – Whether

the employer is required to pay health-care benefits for the life of the retired employee.

Held (9:0): Affirmed.

Environmental Law

Sustainable Shetland v The Scottish Ministers and another
Supreme Court of the United Kingdom: [\[2015\] UKSC 4.](#)

Judgment Delivered: 9 February 2015.

Coram: Lord Neuberger, Lord Sumption, Lord Reed, Lord Carnwath, Lord Hodge.

Catchwords:

Environment and planning – Environmental approvals – Generally – Where the appellant challenged the consent for a large wind farm on the basis that the Minister had failed to take proper account of the Birds Directive (2009/147/EC) in respect of the whimbrel, a protected migratory bird.

Held (5:0): Appeal dismissed.

Funding

R (on the application of Rotherham Metropolitan Borough Council and others) v Secretary of State for Business, Innovation and Skills
Supreme Court of the United Kingdom: [\[2015\] UKSC 6.](#)

Judgment Delivered: 25 February 2015.

Coram: Lord Neuberger, Lady Hale, Lord Mance, Lord Clarke, Lord Sumption, Lord Carnwath and Lord Hodge.

Catchwords:

Allocation of Funding – Distribution of European Structural Funds among the regions of the United Kingdom – Whether the Secretary of State's allocation of Structural Funds between the regions properly reflected the Appellants "transition status" for the purpose of European Structural Funds.

Administrative Law – Whether decision of the Minister of State in respect of the allocation of funding is a reviewable decision.

Held (4:3): Appeal dismissed.

Human Rights

Holt v Hobbs

Supreme Court of the United States: [Docket 13-6873](#).

Judgment Delivered: 20 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Statutes - *Religious Land Use and Institutionalized Person Act* of 2000 (RLUIPA)- Whether the decision of the Arkansas Department of Corrections to prohibit a Muslim prisoner from growing a half inch beard was in violation of RLUIPA - Challenging party bears the initial burden of proof to prove religious exercise is grounded in sincerely held religious belief - Government defendant holds burden of proof to show that the action is the least restrictive means of furthering a compelling governmental interest.

Held (9:0): Reversed and Remanded.

See also [Negligence](#): *Michael and others v The Chief Constable of South Wales Police and another*

Intellectual Property

Teva Pharmaceuticals USA Inc v Sandoz Inc

Supreme Court of the United States: [Docket 13-854](#).

Judgment Delivered: 20 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Intellectual Property - Patents - Whether an appeal court should review fact findings made by a trial judge in the course of construing the claims of a patents under a de novo standard as a question of law or as a clear error of fact.

Held (7:2): Reversed and remanded.

Hana Financial Inc. v Hana Bank Et Al.
Supreme Court of the United States: [Docket 13-1211](#).

Judgment Delivered: 21 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Intellectual Property – Trademarks – Tacking of trademarks – Whether making small changes to a trademark to allow for re-registration of a similar mark is a question of law or a question fact – Whether the Tacking of a trademark is a question of fact for a jury to determine.

Held (9:0): Affirmed.

Negligence

Michael and others v The Chief Constable of South Wales Police and another

United Kingdom Supreme Court: [\[2015\] UKSC 2](#).

Judgment Delivered: 28 January 2015.

Coram: Lord Neuberger, Lady Hale, Lord Mance, Lord Kerr, Lord Reed, Lord Toulson and Lord Hodge.

Catchwords:

Negligence – Duty of care – Police - Victim calling police to report threats of violence and to kill her – Police failing to respond timeously – Victim stabbed to death before police arriving – Claimants bringing action against police in negligence – Whether police owing duty of care to victim – Whether claim to be struck out – Whether defendants entitled to summary judgment.

Human Rights - Victim calling police to report threats by former partner to kill her – Police failing to respond timeously – Victim stabbed to death before police arriving – Claimants bringing action against police for breach of Convention right to life – Whether to be struck out – Whether defendants entitled to summary judgment – Whether claim to proceed to trial – *Human Rights Act 1998*, Sch 1, Pt I, art 2.

Held (5:2): Appeal dismissed.

Jackson v Murray and another
Supreme Court of the United Kingdom: [\[2015\] UKSC 5.](#)

Judgment Delivered: 18 February 2015.

Coram: Lady Hale, Lord Wilson, Lord Reed, Lord Carnwath, Lord Hodge.

Catchwords:

Torts – Negligence – Contributory negligence – Materiality of plaintiff's age – Where the 13 year old appellant was hit by a car whilst crossing the road – Where, on appeal, the appellant was considered to hold 70% liability for the incident – Whether this finding properly considered the appellant's personal circumstances, particularly her age.

Held (3:2): Appeal allowed.

Tauranga Law v John Appleton and Natalie Marie Ryan as Trustees of the Appleton Family Trust
Supreme Court of New Zealand: [\[2015\] NZSC 3.](#)

Judgment Delivered: 19 February 2015.

Coram: Elias CJ, McGrath, William Young, Glazebrook and Arnold JJ.

Catchwords:

Torts – Negligence – Professional Negligence – Where the respondent alleged breach of duty of care by the appellant where the appellant acted in the purchase of a property from a developer – Where the developer became insolvent and the respondent lost the deposit – Whether the risks involved in the transaction were appropriately identified.

Held (5:0): Appeal allowed.

Practice and Procedure

Gelboim Et Al v Bank of American Corp Et Al
Supreme Court of the United States: [Docket 13-1174.](#)

Judgment Delivered: 21 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Civil Procedure – Whether the appellants were entitled to appeal a claim in a lawsuit that has been consolidated with other actions for pre-trial proceedings – Whether an order dismissing a sole claim in a lawsuit that has been consolidated with other actions is a final and appealable order – Where claims remain in other consolidated actions.

Held (9:0): Reversed and remanded.

McGraddie v McGraddie and another (Costs)
Supreme Court of the United Kingdom: [\[2015\] UKSC 1.](#)

Judgment Delivered: 28 January 2015.

Coram: Lord Neuberger, Lady Hale, Lord Reed.

Catchwords:

Costs - Defenders successfully reclaiming before Inner House of Court of Session — Pursuer obtaining after the event insurance for appeal to Supreme Court — Supreme Court allowing appeal — Pursuer seeking order for expenses — Whether insurance premium recoverable as part of expenses — *Act of Sederunt (Rules of the Court of Session 1994) 1994, Sch 2, r 42.10* — *Supreme Court Rules 2009, r 46(1)* — Supreme Court Practice Direction 13, para 3.1 SCOTLAND — Expenses — Order for expenses - Legally aided defenders successfully reclaiming before Inner House of Court of Session — Pursuer appealing — Defenders granted legal aid to respond to appeal — Supreme Court allowing appeal — Whether pursuer entitled to order for expenses from legal aid fund — *Legal Aid (Scotland) Act 1986* (as amended by *Legal Aid Act 1988, s 44, Sch 4, para 8*), s 19.

Held (3:0): Respondents to pay the Appellant's costs excluding the ATE Insurance.

F & J Electrical CC v Mewusa obo Mashatola & Others
Constitutional Court of South Africa: [\[2015\] ZACC 3.](#)

Judgment Delivered: 17 February 2015.

Coram: Mogoeng CJ, Moseneke DCJ, Cameron J, Froneman J, Khampepe J, Leeuw AJ, Madlanga J, Nkabinde J, Tshiqi AJ, Van der Westhuizen J and Zondo J.

Catchwords:

Procedure – Default Judgment – Where a Labour Court granted default judgment for the respondent – Where the respondents' application was outside jurisdiction – Whether the Labour Court could grant summary judgment in the circumstances.

Held (11:0): Appeal granted.

Tebeila Institute of Leadership Education, Governance and Training v Limpopo College of Nursing and Another
Constitutional Court of South Africa: [\[2015\] ZACC 4](#).

Judgment Delivered: 26 February 2015.

Coram: Mogoeng CJ, Moseneke DCJ, Cameron J, Froneman J, Jappie AJ, Khampepe J, Madlanga J, Molemela AJ, Nkabinde J, Theron AJ and Tshiqi AJ

Catchwords:

Appeal against costs order - general costs rule in constitutional litigation - avoid deterring parties from pursuing constitutional claims - exceptional circumstances warranting intervention - costs order set aside.

Held (11:0): Appeal granted.

Property

R (on the application of Newhaven Port and Properties Limited) v East Sussex County Council and another
Supreme Court of the United Kingdom: [\[2015\] UKSC 7](#).

Judgment Delivered: 25 February 2015.

Coram: Lord Neuberger, Lady Hale, Lord Sumption, Lord Carnwath, Lord Hodge.

Catchwords:

Property – whether public access and use to a Harbour was held “as of right” or an implied licence arising from by-laws – whether the Harbour could be registered under a statutory scheme as a village green – Whether the registration of the Harbour as a village green constituted statutory incompatibility.

Held (5:0): Appeal allowed.

Statutes

Jesinoski v Countrywide Home Loans Inc
Supreme Court of the United States: [Docket 13-684](#).

Judgment Delivered: 13 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Statutes – *Truth in Lending Act* – What steps does the borrower need to take in order to rescind the contract within three years – Whether the borrower needed to commence litigation as well as rescind the agreement within three years.

Held (9:0): Reversed and remanded.

Department of Homeland Security v MacLean
Supreme Court of the United States: [Docket 13-894](#).

Judgment Delivered: 21 January 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Statutes – Whistleblower legislation – Whether defendant afforded protection from prosecution for disclosures – Whether the legislation prohibiting disclosure applied to defendant.

Held (7:2): Affirmed.

Yates v United States
Supreme Court of the United States: [Docket 13-7451](#).

Judgment Delivered: 25 February 2015.

Coram: Roberts CJ, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan JJ.

Catchwords:

Statute – Statutory interpretation – *Sarbanes-Oxley Act 2002* - Statute making it a crime to destroy or alter “any record, document, or tangible object” with the aim of obstructing or influencing a federal investigation – Whether the destruction of an undersized fish falls within the statutory definition of “tangible object”.

Held (5:4): Reversed and remanded.
