|  |
| --- |
| **The Human Rights Act’s****1998****UK****Protocol 1, Article 1:**Right to peaceful enjoyment of your propertyDemeanourProperty can include things like land, houses, objects you own, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. A public authority cannot take away your property, or place restrictions on its use, without very good reason.This right applies to companies as well as individuals.**Are there any restrictions to this right?**There are some situations in which public authorities can take things you own or restrict the way you use them. This is only possible where the authority can show that its action is lawful and necessary for the public interest. If your property is taken away, you should be entitled to compensation.                      The government must strike a fair balance between your interests as a property owner and the general interests of society as a whole.This right does not affect the ability of public authorities to enforce taxes or fines.Using this right – exampleIf a public authority plans to build a road over someone’s land, it must have laws in place to support this. There must also be a process in place to check that a fair balance has been struck between the public interest in building the road and the individual’s right to their land.(Example taken from ‘Human rights, human lives: a guide to the Human Rights Act for public authorities.)**What the law says;**Protocol 1, Article 1: Protection of propertyEvery natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.Example case - Howard v United Kingdom [1987]A public authority wanted to use a compulsory purchase order to acquire a property for development. The European Court of Human Rights held that the question was whether the authority had struck a fair balance between the rights of the individual property owners and the rights of the community. One of the main factors in any such balance will be the availability of compensation reflecting the value of the property acquired by the authority.(Case summary provided by the British Institute of Human Rights)See the publication ‘Human rights, human lives: a guide to the Human Rights Act for public authorities’ for more examples and legal case studies that show how human rights work in practice. |