

PRESS RELEASE

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ABERDEEN BYPASS CAMPAIGNERS AWARDED CAP ON LEGAL COSTS

Campaigners from Road Sense, (1) the community campaign against the Aberdeen Western Peripheral Route (AWPR) (2) have today been granted a Protected Expenses Order by the Court of Session in Edinburgh, which will limit their exposure to potential legal costs at the forthcoming Judicial Review of the project to £40,000.

The campaigners are challenging the lawfulness of the Scottish Ministers' decision to grant approval for the proposed new road.

The purpose of a Protected Expenses Order is to reduce the exposure to costs being awarded against litigants with limited financial resources who lose their cases. This allows these litigants to pursue cases that are in the public interest. The decision to grant a Protected Expenses Order to the Road Sense campaigners means that, should they lose their legal challenge against the AWPR, their costs will be capped at £40,000.

To date only one Protected Expenses Order has been granted by a Court in Scotland. This was awarded to Marco McGinty, who is challenging the inclusion of the Hunterston Coal Fired Power Station in the National Planning Framework prepared by the Scottish Government.

The Road Sense Campaigners' legal challenge is being brought in the name of Road Sense Chairman, William Walton, who said:

“We are absolutely delighted to have been awarded this Protected Expenses Order. This shows that our legal challenge to Scottish Ministers' decision to grant approval for the AWPR is reasonable. The judge has accepted that there our environmental concerns about the project are legitimate.”

“We do have funds, which have generously been donated by our many supporters, but these were always unlikely to cover the full costs of a Judicial Review action in the event that we lost, so this Protected Expenses Order not only reduces our exposure to costs, but also ensures that we can take forward our case.

“It is very wrong that in the UK in order to take forward legal action one has to have enormous personal funds. This effectively hog-ties anybody who wishes to challenge poor decisions made by wealthy or powerful organisations, such as the Scottish Government.”

“Apart from the hugely important environmental issues our case will raise, it will also raises vital issues over access to justice in Scotland.”

The judge's decision will be posted on the following website this lunchtime: <http://www.scotcourts.gov.uk/opinionsApp/RSS/highCourtsRSS.xml>

The Judicial Review of the AWPR project is expected to take place in late February 2011.

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