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Common law is behind Human Rights Act 1998

Mr Blunkett¹ is angry with Mr Justice Collins for thwarting his desire to deprive certain true or putative asylum seekers of sustenance[, leaving them to starve].

Exactly 200 years ago the English town of Eastbourne occasioned the laying down of the definitive law on this point. In the case of *Rex v. The Inhabitants of Eastbourne* (1803) 4 East 107 the Chief Justice, Lord Ellenborough, ruled that our law required relief to be afforded to *all* starving paupers, whether statutorily entitled or not, who were found wandering abroad and lodging in the open air in the Duke of Devonshire's salubrious town of Eastbourne.

Lord Ellenborough said 'the law of humanity, which is anterior to all positive laws, obliges us to afford them relief, to save them from starving'. What he meant was that in this respect, as in many others, the common law of England embraces the natural law and serves humanity. In this it has led the way. When, just after the end of the Second World War, the European Convention on Human Rights was drawn up, largely at the instigation of the British, it was based on the common law. Now the European Convention is backed up by the Human Rights Act 1998. [The common law is behind it all.]

Mr Blunkett should understand that it all comes down to one simple fact. [Britain is a civilised country.] A civilised country does not stand by and allow anyone within its borders to starve - whether they got there legally or illegally.²

¹ The current Home Secretary.

² *The Times*, 28 February 2003. (Passages in square brackets omitted from published letter.)

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