

# Challenging legislated unfairness

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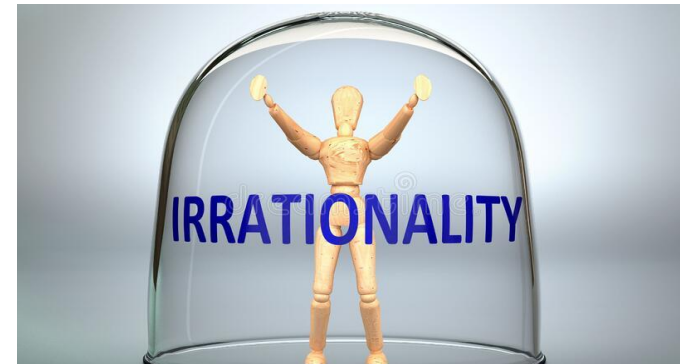
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"You don't have any money, power or influence, do you? Hold on, I need to get my other scales."

- *R(Johnson and others) v SSWP* [2020] EWCA Civ 778
- *R (Pantellerisco and others) v SSWP* [2020] EWHC 1944 (Admin)
- *R (Salvato) v SSWP* [2021] EWHC 102 (Admin)



- What are the disadvantages of deciding not to ‘fine-tune’ the regulations to deal with the unfairness?
- What are the disadvantages of adopting a solution to the unfairness?
- Would a solution be consistent or inconsistent with the nature of the overall regime?
- Has a reasonable balance been struck by the SSWP in deciding that the disadvantages of adopting a solution outweigh the disadvantages of not doing so?

*(Johnson [50])*

‘The question to be addressed is whether the decision of the SSWP as to the drafting of the regulations was outside the range of reasonable decisions open to the decision maker’ (*Pantellerisco* [47])