

Attorney-General v Blake [2001] 1 AC 268

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Facts

- Blake was a British M16, under an employment contract he had signed a declaration never to disclose his secrets
- He became a double agent for the Soviet Union in 1951
- After escaping from prison, he fled back to the Soviet Union and wrote a memoir
- The book was published and Blake received a certain amount first-up and was due to receive more upon publication
- The Crown brought an action seeking restitution

Held

- Nicholls, Goff, Browne-Wilkinson, Steyn J; If the normal remedy is inadequate and the circumstances of the case are exceptional, then the court can order the defendant to account for all profits.
- This case was exceptional because it is in the public interest to protect the secrets of the secret service
- Lord Hobhouse disagreed because the information was no longer confidential so there could be no misuse
- Lord Nicholls at 84 made the following famous statement; “restitution for breach of contract must be accepted in some situations. These situations may never be as exceptional as that which we are passing judgment on today, but notwithstanding this there is no other conclusion the court can make.”

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