

Legal Privilege and Internal Investigations: The Court of Appeal Provides Some Protection and Suggests Legal Advice Privilege Is Revisited

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The Court of Appeal on 05 September 2018 gave judgment in *SFO v ENRC*[2018] EWCA Civ 2006. The judgment allowed the appeal, overturning the judgment of Andrews J in the court below. Mrs Justice Andrews' judgment had limited the scope of litigation privilege in internal investigations. This judgment has now reaffirmed that when an internal investigation is conducted, in certain cases litigation privilege will apply. The Court was not required to rule on the questions concerning legal advice privilege, but suggested the time was ripe for the Supreme Court to revisit the subject.

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