

C-221/89 R (Factortame Ltd) v Secretary of State for Transport (No.2) [1991]

Facts: Fishing companies incorporated in the UK had a majority of directors and shareholders being from Spain. They initiated a claim for judicial review in the UK of Merchant Shipping Act 1988 which had set requirements of nationality that several ships had failed to meet precluding their registration. It was argued that this was contrary to EU law.

Held: The supremacy of Community law had been well established long before the UK joined the Community. As such, whatever limitation on its sovereignty Parliament accepted when it enacted the European Communities Act 1972 was entirely voluntary.