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Constitutional and Administrative Law - -

Constitutional Law, Administrative Law, and Human Rights - Ian Loveland - 2012-05-17

Constitutional Law, Administrative Law, and Human Rights provides a unique, cross-disciplinary approach to the study of public law.
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The Province of Administrative Law - Michael Taggart - 1997-06-01
During the past decade, administrative law has experienced remarkable development. It has consistently been one of the most dynamic and potent areas of legal innovation and of judicial activism. It has expanded its reach into an ever broadening sphere of public and private activities. Largely through the mechanism of judicial review, the judges in several jurisdictions have extended the ambit of the traditional remedies, partly in response to a perceived need to fill an accountability vacuum created by the
to fill an accountability vacuum created by the contracting-out of public services, and the deregulation of industry and commerce. The essays in this volume focus upon these and other shifts in administrative law, and in doing so they draw upon the experiences of several jurisdictions: the UK, the US, Canada, Australia and New Zealand. The result is a wide-ranging and forceful analysis of the scope, development and future direction of administrative law.

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Ibss: Political Science: 1991 - British Library
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Ibss: Political Science: 1991 - British Library
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MacCormick's Scotland - Neil Walker - 2012-03-26
This book analyses in depth the distinctively Scottish themes in the work of Sir Neil MacCormick, the world-renowned legal philosopher and prominent Scottish public intellectual who died in 2009 after holding the Regius Chair in Public Law and the Law of Nature and Nations at Edinburgh University for 36 years. MacCormick's work, and works about MacCormick, attract both a domestic and an international audience. Readers will gain an understanding of how MacCormick's Scottish roots, interests and commitments coloured his work - both his distinctively Scottish writings and the overall intellectual outlook that informed his broader legal and philosophical writings.

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By Due Process of Law - Ian Loveland - 1999-06-01
The South African case of Harris v. (Donges) Minister of the Interior is one familiar to most was triggered by the South African government's attempt in the 1950s to disenfranchise non-white voters on the Cape province. It is still referred to as the case which illustrates that as a matter of constitutional doctrine it is not possible for the United Kingdom Parliament to produce a statute which limits the powers of successive Parliaments. The purpose of this book is twofold. First of all it offers a rather fuller picture of the story lying behind the Harris litigation, and the process of British acquisition of and disengagement from the government of its 'white' colonies in southern Africa as well as the ensuing emergence and consolidation of apartheid as a system of political and social organisation. Secondly the book attempts to use the South African experience to address broader contemporary British concerns about the nature of our Constitution and the role of the courts and legislature in making the Constitution work. In pursuing this second aim, the author has sought
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The Cambridge Yearbook of European Legal Studies - 2001
This yearbook provides a new forum for the scrutiny of significant issues in European Union Law, the law of the Council of Europe, and comparative law with a European dimension.

A Europe of Rights - Helen Keller - 2008-07-31
The European Convention on Human Rights has evolved into a sophisticated legal system, whose formal reach into the domestic law and politics of the Contracting States is limited only by the ever-widening scope of the Convention itself, as determined by a transnational court. In this book, a team of distinguished scholars trace and evaluate, comparatively, the impact of the ECHR and the European Court of Human Rights on law and politics in eighteen national systems: Ireland-UK; France-Germany, Italy-Spain, Belgium-Netherlands, Norway-Sweden, Greece-Turkey, Russia-Ukraine, Poland-Slovakia, and Austria-Switzerland. Although the Court's jurisprudence has provoked significant structural, procedural, and policy innovation in every State examined, its impact varies widely across States and legal domains. The book charts
determined by a transnational court. In this book, Europe, national officials - in governments, legislatures, and judiciaries - have chosen to incorporate the ECHR into domestic law, and they have developed a host of mechanisms designed to adapt the national legal system to the ECHR as it evolves. But how and why State actors have done so varies in important ways, and these differences heavily determine the relative status and effectiveness of Convention rights in national systems. Although problems persist, the book shows that national officials are, gradually but inexorably, being socialized into a Europe of rights, a unique transnational legal space now developing its own logics of political and juridical legitimacy.

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**Rights, Emergencies, and Judicial Review** - Imtiaz Omar - 1996-04-24
This book makes a significant contribution to the understanding of issues of comparative constitutionalism in emergent politics. Recurrent states of emergency in Malaysia, Sri Lanka and Bangladesh provide the background for a comparative examination of constitutional emergency powers, individual rights, and judicial review. This work examines the extent to which the Court in these countries has performed its expected role, identifies problems in approaches to interpretation which have been adopted, and suggests alternatives to constitutional interpretation and judicial review. The contemporary western jurisprudence, including those of Ronald Dworkin and writers of the Critical Legal Studies tradition. The juxtaposition of western jurisprudential development to issues of constitutionalism in the countries under survey is a bold attempt to seek some common ground in conceptualizing rights and techniques of juristic interpretation in western and eastern legal cultures. The theoretical framework of the study is well-perceived, the arguments convincing. This carefully researched work makes a valuable and scholarly contribution to the study of comparative constitutional law and jurisprudence.

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The Legitimacy and Responsiveness of Industry Rule-making - Karen Lee - 2018-09-06

Rule-making is no longer an activity undertaken exclusively by public actors. Private actors are increasingly allowed by legislatures and regulatory bodies to take part in (and in some cases assume responsibility for) the formation of legally binding rules, for example in the US, UK, Australia and the EU. Departing from traditional forms of rule-making by involving private actors may enhance the ability of regulatory systems to achieve social goals, as regulatory scholars argue. However, because private actors are permitted to act in their own best interests, their involvement also raises doubts about the legitimacy of the underlying rule-making processes and the rules that are formulated. The principal aim of this book is to highlight that the tension between the responsiveness that leading international regulatory scholars advocate in order to improve regulatory effectiveness, and
regulatory bodies to take part in (and in some and institutional values, is not as great as may first appear. Drawing on three in-depth case studies of the experience of the Australian telecommunications industry with self-regulatory rule-making - a form of rule-making that bears the hallmarks of 'responsive regulation', 'democratic experimentalism', 'smart regulation' and other strategies of proceduralization - it is argued that industry rule-making can, as a matter of practice, be responsive and legitimate at the same time. In doing so, the book formulates and applies criteria against which industry rule-making should be evaluated and identifies a number of indicia that point to when industry rule-making is likely to be simultaneously legitimate and responsive.

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**Constitutional and Administrative Law** - Hilaire Barnett - 2002-07-29

Much of the extensive programme of constitutional reform commenced by the current government has been achieved. Devolution is now well established, reforms to the electoral process and political party funding have been addressed, a Freedom of Information Act has been enacted and the House of Lords has been partially reformed. Of the reforms the most significant and far-reaching is the introduction of

has been felt across numerous areas of domestic law. The fourth edition of Hilaire Barnett's popular textbook provides a timely and comprehensive update on the impact of these reforms. It provides a clear exposition of the major features of the UKs constitution and a comprehensive summary of recent developments. The book has been consciously designed to meet the needs of students undertaking a constitutional and administrative law course, whether full or part time, and provides comprehensive coverage of the syllabus drawn from a wide range of sources.
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Cranston's Consumers and the Law - Colin
Scott - 2000-08
The third edition of Cranston's Consumers and
developments in consumer law and includes
important new material on utilities and financial
services regulation. An internet home page has
also been established for readers of this book.
The home page has two main purposes. First, it
provides links to websites containing primary
sources such as codes, consultation documents
and reports which are not always accessible in
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book is to provide a comparative UK-German light of the new constitutional settlement for Scotland and their experiences of other rights regimes in Europe, the Commonwealth, and the United States. Topics included are an analysis of the Human Rights Act and Scotland Act; human rights and the law of crime, property, employment, family and private life; Scottish court practice and procedure; Scots law and the European dimension; and building a rights culture in Scotland.

**Current Problems in the Protection of Human Rights** - Katja S Ziegler - 2013-03-01

While the legal systems of the United Kingdom and Germany differ in essential respects, the current process of 'constitutionalisation' is well recognised on both sides of the Channel. 'Constitutionalisation' manifests itself in the evolution of a constitution and the influence of existing constitutional principles on the ordinary law. Human rights law provides one of the best examples of this process, and the aim of this perspective on recent developments. First, it addresses human rights questions which arise in both jurisdictions in a similar way such as the tension between liberty and security, absolute rights such as human dignity and the prohibition of torture, and the question how conflicts between human rights are to be resolved and conceptualised. A second theme considers the impact of human rights on different areas of law, in particular administrative law, criminal law, labour law and private law generally. Finally, a third theme focuses on the intersection of national, supra- and international human rights law, in particular after the entry into force of the EU Charter on Fundamental Rights. The book thus reveals convergent and divergent answers to similar problems, examines differences in the impact of human rights on the legal systems under consideration, and traces parallel and distinct debates over and sensitivities about, human rights as well as sensitivities that arise in
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**Legitimate Expectations and Proportionality in Administrative Law** - Robert Thomas - 2000-09

This book presents a comparison of the development of legitimate expectations and proportionality in European and English law against the different traditions of administrative law. While these two principles are well established in European law, only in recent years
understand the motivation behind this development, explain why the English courts have been troubled by the principles and suggest how such difficulties can be resolved. It will be of interest to all administrative lawyers, both in practice and in academe. It will also be of interest to EU lawyers, particularly those interested in EU public law.

Law and Sport in Contemporary Society
Steven Greenfield - 2013-05-13
As the commercialization of sport grows, the need for proper regulation increases. In legal terms, sport is part of the entertainment and media industries which are subject to rapid change. This work brings together experts in many fields to analyze these changes and to discuss the implications of issues such as the BSkyB-Manchester United case, civil and criminal actions on the playing field, the "Bosman" ruling, drugs in sport, the legality of boxing and the validity of decisions made by
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The essays that comprise this collection focus on the impact and future developments of judicial review in a number of social welfare situations that include homelessness, housing benefit, immigration and social security, to name but a few.

**Public Law** - John F. McEldowney - 2002
This volume covers all the significant property, planning, compulsory purchase and compensation cases which come before the House of Lords, the Court of Appeal, the High Court and the Lands Tribunal.
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**The Coroners of Northern Britain c. 1300-1700** - R. Houston - 2014-03-18

For the last 800 years coroners have been important in England's legal and political landscape, best known as investigators of sudden, suspicious, or unexplained death. Against the background of the coroner's role in historic England, this book explains how sudden death was investigated by magistrates in Scotland.

**Consumer Protection in Financial Services** - Southern Methodist University. Institute of International Banking and Finance - 1999-05-06

The question of how financial services should be regulated in the interests of consumers has never been more topical. The structure of the financial services industry is changing rapidly and the need for the law to keep pace with these changes has never been greater. This book examines the role of the law in the protection of the consumer, in particular the ways in which the law is, and could be, used to protect consumers when purchasing financial services. A prominent panel of contributors first examines the role of the European Union and the ombudsmen schemes operating in the United Kingdom in improving consumer protection. Eight expert papers...
has never been greater. This book examines the various legal mechanisms protecting consumers in the banking, financial services, investments and insurance industries. The final part of the book is concerned with the important and controversial area of consumer credit. This unique work is a welcome contribution to a rapidly developing area of law, which has so far received little attention from commentators. It will be of great interest to those at the cutting edge of banking, financial services and consumer law, whether practicing lawyers or in-house counsel, and all those involved in advising consumers.

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Scottish Independence starts with a detailed guide to the stages along the route to independence and goes on to analyse the legal, political and economic consequences. It asks key questions: *If Scots vote for an SNP government in Edinburgh, how will that government deliver its manifesto promise of achieving independence in Scotland? *If the Scots attain independence, what will change? What will Scotland's place be in the world? Can Scotland remain in the EU? *What are the economics of independence? Would there be a flight of capital and a stock-market fall? How much economic freedom would an independent Scotland have? *How much would change in the daily lives of Scots as a result of independence? How much autonomy would Scotland have as a small independent state in Europe? Scottish Independence will have an impact on public policy and on academic thinking, and is of key interest to politicians, civil servants, academics, journalists and anyone interested in Scotland's future.

**The Case for Scottish Independence** - Ben Jackson - 2020-07-31
Traces the development of the ideology of modern Scottish nationalism from the 1960s to the independence referendum in 2014.

**Scottish Independence** - Murkens Jo E. Murkens - 2019-08-06
How might Scotland achieve independence? And what would be the consequences, for Scotland and the rest of the UK? Independence is ever-present on the Scottish political agenda. This book is the first serious study of the likely road to independence, and the consequences for the Scottish people and the Scottish economy.
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**Using Human Rights Law in English Courts** - Murray Hunt - 1998-02-19
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**Cambridge Yearbook of European Legal Studies, Vol 15 2012-2013** - Catherine Barnard - 2013-12-19
The Cambridge Yearbook of European Legal

significant issues in EU Law, the law of the European Convention on Human Rights, and Comparative Law with a 'European' dimension, and particularly those issues which have come to the fore during the year preceding publication. The contributions appearing in the collection are commissioned by the Centre for European Legal Studies (CELS) Cambridge, a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues. The papers presented are at the cutting edge of the fields which they address, and reflect the views of recognised experts drawn from the University world, legal practice, and the institutions of both the EU and its Member States. Inclusion of the comparative dimension brings a fresh perspective to the study of European law, and highlights the effects of globalisation of the law more generally, and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal
Comparative Law with a 'European' dimension, Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration.

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Cambridge Yearbook of European Legal Studies, Vol 15 2012-2013 - Catherine Barnard
- 2013-12-19

The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law, the law of the European Convention on Human Rights, and and particularly those issues which have come to the fore during the year preceding publication. The contributions appearing in the collection are commissioned by the Centre for European Legal Studies (CELS) Cambridge, a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues. The papers presented are at the cutting edge of the fields which they address, and reflect the views of recognised experts drawn from the University world, legal practice, and the institutions of both the EU and its Member States. Inclusion of the comparative dimension brings a fresh perspective to the study of European law, and highlights the effects of globalisation of the law more generally, and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders. The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in
benefits and services was not questioned. Over the years, this right has been gradually replaced by a two-way bargain with the state. And in the place of this old 'social citizenship', there has arisen a government-corporate alliance that manages job seekers by contract. The shift from the needs of the person to the demands of business is complete. Those tempted to argue with this provocative thesis will find a formidable array of evidence assembled in this well-researched book. Focusing primarily on Australia--where the marketisation of welfare and employment services has gone farther than in any other country--Professors Carney and Ramia draw not only on the recent literature of several relevant disciplines, but also on in-depth interviews with thirty unemployed people from a wide range of backgrounds and situations. By assessing the inner workings and impacts of public management transformations on the lives of those most deeply affected, the authors provide a keen understanding of how the
From Rights to Management presents a powerful economic and legal--work out in actuality. The interdisciplinary discussion incorporates debates about civil society, social capital, and other germane topics of great concern to scholars, policymakers, and administrators in this era of globalisation. A deep analysis of the new policy network of social services examines the types of contracts that govern the various parts of the system. The analysis concludes with a proposed new framework that reinstalls citizenship as the basis for welfare policy, but in a way that places real obligations and accountability on government and does not leave disadvantaged persons to fight a losing battle. No lawyer, professional, academic, or official in the social policy environment can afford to ignore this challenging work.


and thoroughly documented new thesis about the transformation of the concept of work during the period 1970-2000. The authors remind us of what we now easily forget: that, not so long ago, the right of an unemployed person to social security benefits and services was not questioned. Over the years, this right has been gradually replaced by a two-way bargain with the state. And in the place of this old 'social citizenship', there has arisen a government-corporate alliance that manages job seekers by contract. The shift from the needs of the person to the demands of business is complete. Those tempted to argue with this provocative thesis will find a formidable array of evidence assembled in this well-researched book. Focusing primarily on Australia--where the marketisation of welfare and employment services has gone farther than in any other country--Professors Carney and Ramia draw not only on the recent literature of several relevant disciplines, but also on in-depth
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**Cases, Materials and Commentary on Administrative Law** - S. H. Bailey - 2005
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Regions within European Union member states (such as Scotland in the UK and Catalonia in Spain) have their own legal systems: how will the process of 'Europeanization' affect them? This volume examines the phenomenon of 'regional' private law in the European Union, considering jurisdictions and laws below those of the member states and drawing comparisons with other such jurisdictions elsewhere in the world, such as Louisiana and Quebec. The whole is considered in relation to the development of European private law, and the use of codification in that process. This volume will be of interest to academic lawyers worldwide, advanced law students and European policy-makers.

Constitutional Policy in Unified Germany - Peter J. Cullen - 2013-10-18
Prompted by unification, the German constitution has undergone the most fundamental re-examination since the foundation of the Federal Republic. This volume seeks to identify challenges which constitutional policy faces and analyzes how, and with what degree of success, they are being met.
To this end, the editors commissioned a team of experts to write chapters on the various stages of institutions of the Scottish criminal justice process. Given Scotland’s broad social and cultural similarities to the rest of the United Kingdom, the book also provides a useful comparative perspective which should help to discourage the tendency towards overly ethnocentric theorising south of the border.

**Criminal Justice in Scotland** - Peter Duff - 2018-12-12
Published in 1999. Scottish criminal law and procedure are very different from their counterparts elsewhere in the United Kingdom. This book is the first socio-legal account of the Scottish criminal justice process and its constituent institutions. Its aims are: to explain the operation of the various elements which make up the ‘system’; to summarise the considerable volume of relevant Scottish research; and to locate this knowledge within contemporary theorising about criminal justice.
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**The Evolution of the European Convention on Human Rights** - Ed Bates - 2010-12-23

On 4 November 2010 the European Convention on Human Rights Celebrated its sixtieth anniversary. It has undergone a spectacular evolution since its creation in 1950. In recent times the European Court of Human Rights has been compared to a quasi-constitutional court for Europe in the field of human rights, and for some time the Convention has been viewed as a European Bill of Rights. The ‘coming of age' of the ECHR system in the late 1990s was marked by the entry into force of Protocol 11, creating a proposed a European human rights guarantee were driven by an ambition to put a place in collective pact to prevent the re-emergence of totalitarianism in `free' Europe. They were motivated by the memory of World War Two and the protection of human rights was seen in that light. When the Convention was opened for signature in 1950 it was viewed by many with scepticism and disappointment. The Convention system took many years to get established. In the mid-1960s doubts were expressed as to whether the Court had a future, and in the 1970s the Convention system of control faced a number of serious challenges. This book mainly focuses on the story of the evolution of the Convention during its first fifty years (up to 1998), although there is also a final chapter on the post-1998 situation. It reflects on the Convention's origins and charts the slow progress that it made during the 1950s and 1960s, before, in the late 1970s, the European Court of Human Rights delivered a
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**Restructuring the European State** - Paolo Dardanelli - 2017-12-12

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Since 1950, devolution reforms have been widespread across Western Europe, leading to constitutional transformation in Belgium, Italy, Spain, and the United Kingdom as well as the potential for state breakup, as witnessed by independence referendums in Scotland and Catalonia. Over the same period, European integration has transferred power upwards to what is now the European Union. The simultaneous occurrence of these seemingly contradictory trends raises fundamental questions. Is state restructuring a uniform process? Has it been fuelled by European integration and, if so, how? Restructuring the European State uses a comparative analysis to present a systematic investigation of the connections between European integration and state restructuring. Paolo Dardanelli argues that there are two distinct dynamics of state restructuring: “bottom up,” where one or more regions demand self-government; and “top down,” where the central government decides to devolve power. Through quantitative analyses of thirteen key phases of state restructuring in Belgium, Italy, Spain, and the United Kingdom he shows that European integration has a powerful influence only in bottom up cases. Dardanelli points to a striking paradox of integration, whereby an ethos of Europe growing ever closer to union has become associated with fragmentation, divergence, and increased complexity, rather than a seamless system of multilevel governance. Innovative and rigorously researched, Restructuring the European State marks a major advance in our understanding of contemporary European politics.

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The Scottish Independence Referendum - Aileen McHarg - 2016-08-23

The September 2014 Scottish independence referendum was an event of profound constitutional and political significance, not only for Scotland, but for the UK as a whole. Although Scottish voters chose to remain in the UK, the experience of the referendum and the subsequent political reaction to the 'No' vote that triggered significant reforms to the devolution settlement have fundamentally altered Scotland's position within the Union. The extraordinary success of the Scottish National Party at the...
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A Model Constitution for Scotland - W. Elliot
Bulmer - 2013-07-22
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**The Legal Nature of International Human**
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**The Legal Nature of International Human Rights** - Michael K. Addo - 2010-05-17
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**Ashes and Sparks** - Stephen Sedley - 2011-02-24
As a practising barrister, the Rt. Hon. Lord Justice Sedley wrote widely on legal and non-legal matters, and continued to do so after becoming a judge in 1992. This anthology contains classic articles, previously unpublished essays and lecture transcripts. To each, he has added reflections on what has transpired since or an explanation of the British legal and political context that originally prompted it. Covering the history, engineering and architecture of the justice system, their common theme relates to the author's experiences as a barrister and judge, most notably in relation to the constitutional changes which have emerged in the last twenty years in the United Kingdom.
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