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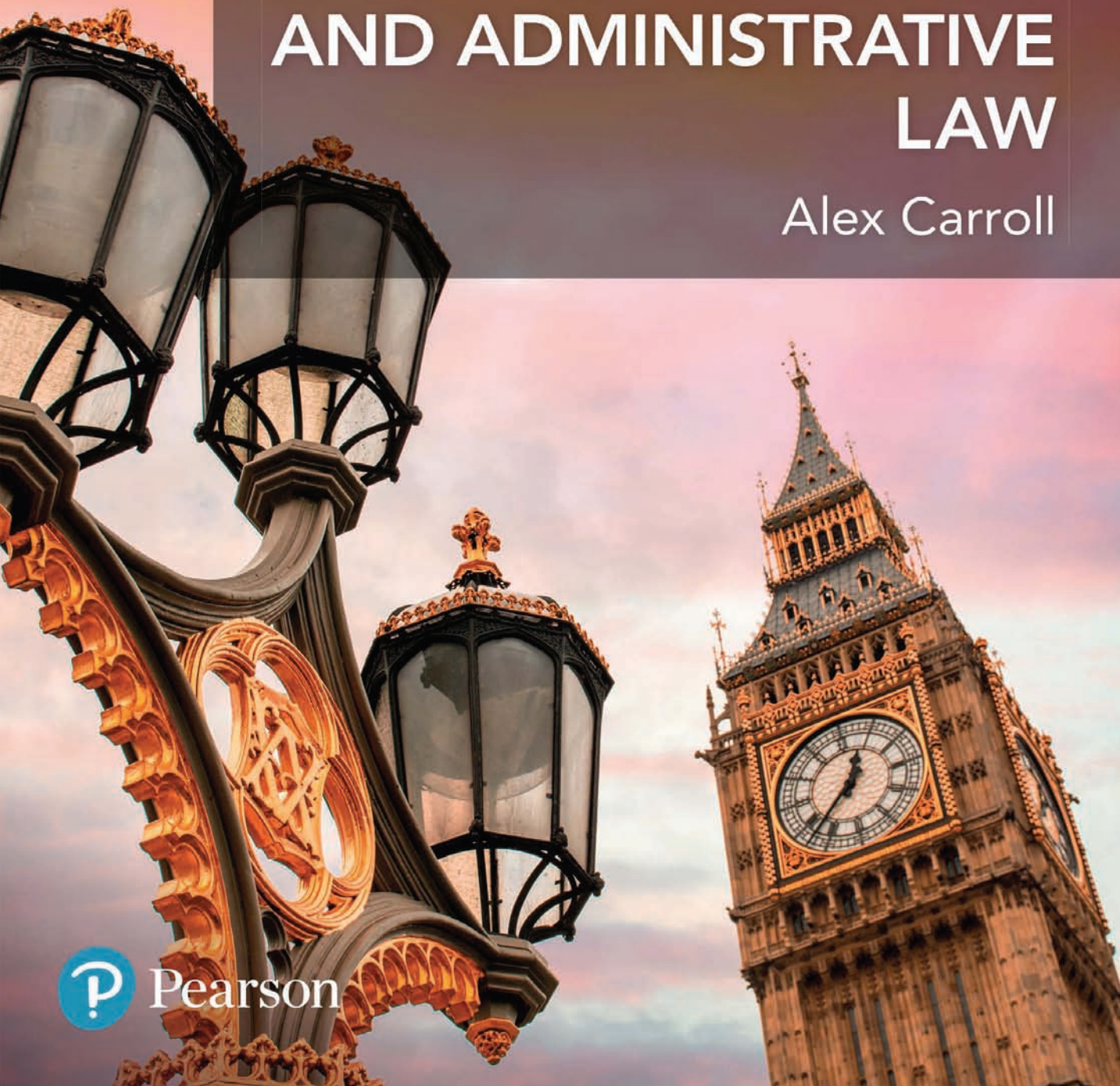
CONSTITUTIONAL AND ADMINISTRATIVE LAW

Alex Carroll



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Robert Alan Carroll 1949–2011

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Preface

This book has been written for students undertaking legal studies at undergraduate level and those pursuing similar courses which include constitutional and administrative law as a core component (e.g. the Postgraduate Diploma in Law). It is intended also to be of use and interest to those who, for whatever purpose, are seeking an easily comprehensible introduction to the legal foundations of the British system of government and to the rights and freedoms to those subject to it. The book's content is based on over thirty years' experience of teaching the subject on A-level, undergraduate and postgraduate courses. Particular attention has been paid to the views of students concerning the strengths and weaknesses of pre-existing and alternative textbooks in this discipline.

As with most law books, many of the legal principles included are explained by reference to particular judicial decisions. The approach taken here has been to discuss those cases which illustrate the principles in issue most clearly or those which exemplify their most recent application.

No attempt has been made to produce an exhaustive reference book covering all those issues which might conceivably fall within the boundaries of the subject. Rather the book concentrates on the subject's key issues and those topics which form the essential core of most constitutional and administrative law syllabi currently taught in further and higher education institutions.

Few legal disciplines have witnessed change and development on the scale, and with the rapidity, that has occurred within constitutional and administrative law within recent years. It follows that much of the subject is concerned with matters of great topicality and modernity. As such, in addition to those learning its elements for mainly academic purposes, it has direct utility for those engaged by the changing fortunes of national and public affairs in general. Change, crisis, and controversy in the process of government, politics, and constitutional development, and any relevant legal intervention or reform which may have followed, all fall within the subject's proper remit.

Some of the more significant recent developments covered, and which have occurred since the last edition of the textbook was published, would include:

- introduction of the new 'English votes for English laws' (EVEL) legislative process;
- implementation of the new system for electoral registration (Individual Electoral Registration);
- re-assessment of the extent of the Crown's legal immunity for acts of state (exercise of prerogative power overseas);
- further judicial consideration of the extent of police liabilityfor negligent performance of their duties;
- review of the content and requirements of the conventional rules regulating the relationship between the House of Commons and the House of Lords (the Strathclyde Review);

- extended use of the power to exclude claimants for legal proceedings involving sensitive aspects of public policy;
- refinement of the meaning of the doctrine of proportionality in the context of English law; EU law, and the law of the European Convention of Human Rights;
- extensions of police powers in relation to communications data;
- the latest anti-terrorist legislation;
- the extent of the executive power to override judicial decisions;
- introduction of new powers enabling a local electorate to 'recall' its MP thereby causing a by-election to be held;
- the latest ministerial code of practice.

All of these matters, and other important developments, particularly in the burgeoning case-law relating to human rights, are explained, where relevant, to a level of depth and detail commensurate with their constitutional significance.

Further details relating to the progress and effects of these modern developments will be provided in the spring and autumn updates to this textbook which may be found on the accompanying website.

Constitutional and administrative law cannot be fully understood without reference to the national's political history and its social and cultural development. This is particularly so in a nation where the constitutional and political systems have been evolving, in a largely uninterrupted fashion, for at least a thousand years. Hence, while every attempt has been made to explain the necessary principles as precisely and succinctly as possible, it has also been the author's intention to do so in a way which places these in their contextual framework. This approach is intended to give insight into the relationship between the subject and those various political historical and cultural factors which have influenced and shaped its nature and content.

The author is greatly indebted to all those who have helped in the book's compilation and production. Particular and belated thanks are due to the late Mr R.H. Buckley, one-time Principal Lecturer in Law at Manchester Metropolitan University, for all his help and advice over the year and for exciting the author's interest in the subject.

Alex Carroll

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Al-Jedda *v* United Kingdom [2011] 53 EHRR 789; [2011] ECHR 1092 *495, 497*
Al-Saadoon and Mufdhi *v* United Kingdom [2010] ECHR 285 *420, 421, 430, 447*
Al-Skeini *v* United Kingdom [2011] 53 EHRR 589; [2011] ECHR 1093 *495*
Alanov *v* Chief Constable of Sussex Police [2012] EWCA Civ 234 *554*
Albekov *v* Russia [2008] ECHR 1029 *432*
Albert *v* Lavin [1982] AC 546 *602*
Alderson *v* Booth [1969] 2 QB 216 *556*
Alford *v* Chief Constable of Cambridgeshire Police [209] EWCA Civ 100 *553*
Alfred Crompton Amusement Machines Ltd *v* Customs and Excise Commissioners (No. 2) [1974] AC 405 *328*
Allason *v* Haines [1996] EMLR 143; [1995] *The Times,* 25 July *233*
Allen *v* Gulf Oil Refining [1981] AC 1001 *323*
Allenet de Ribemont *v* France [1995] 20 EHRR 557 *461*
Amanalachioai *v* Romania [2009] ECHR 4023/04 *468*
Anderson *v* Gorrie [1895] 1 QB 668 *301*
Anderson *v* United Kingdom [1997] ECHR 33689/96; 27 October 1997, Hudoc *482*
Angelini *v* Sweden [1986] 51 DR 41 *474*
Anisminic Ltd *v* Foreign Compensation Commission (No. 2) [1969] 2 AC 147 *59, 343, 349, 398*
Anufrijeva *v* Southwark London BC [2003] EWCA Civ 1406 *319, 509, 533*
Application for a warrant of further detention, An, *Re* [1988] Crim LR 296 *561*
Argyll *v* Argyll [1967] Ch 302 *638*
Armani de Silva *v* United Kingdom [2016] ECHR 314 *435*
Arrowsmith *v* United Kingdom [1978] 19 DR 5 *474*
Arslan *v* Turkey [2010] ECHR 41135/98 *475*
Ashbridge Investments Ltd *v* Minister of Housing and Local Government [1965] 1 WLR 1320 *342*
Ashworth Security Hospital *v* MGN Ltd [2001] 1 WLR 515 *540*
Associated Provincial Picture Houses Ltd *v* Wednesbury Corp [1948] 1 KB 223 *60, 289, 345, 355, 362, 365, 400, 511, 553, 709, 757*
Associated Society of Locomotive Engineers and Firemen *v* United Kingdom [2007] ECHR 184 *484*

Association of British Civilian Internees – Far East Region *v* Secretary of State for Defence [2003] EWCA Civ 473 *365–6*
Association X *v* United Kingdom [1978] 14 DR 31 *466*
Association X, Y and Z *v* Federal Republic of Germany [1986] 5 DR 90 *490*
Associazione Reduci Dalla Prigionia Dalla 'Internamento E Dalla Guerra Di Liberazione *v* Germany [2007] ECHR 45563/01 *421*
Ataman *v* Turkey [2006] ECHR 481 *435*
Atkinson *v* Newcastle Waterworks Co [1877] 2 Ex D 441 *307*
Atlan *v* United Kingdom [2002] 34 EHRR 33 *333*
Attorney-General *v* Bastow [1957] 1 QB 514 *392*
Attorney-General *v* Blake [2000] 3 WLR 625 *640*
Attorney-General *v* De Keyser's Royal Hotel [1920] AC 508 *59, 287*
Attorney-General *v* Great Eastern Railway Co [1880] LR 5 App Cas 473 *346*
Attorney-General *v* Guardian Newspapers Ltd (No. 2) [1990] 1 AC 109 *639–40*
Attorney-General *v* Jonathan Cape Ltd [1976] QB 752 *66, 274, 640*
Attorney-General *v* Mirror Group Newspapers [1997] 1 All ER 456 *631*
Attorney-General *v* Ryan [1980] AC 718 *398*
Attorney-General *v* Sharp [1931] 1 Ch 121 *392, 395*
Attorney-General *v* Wilts United Dairies [1921] 37 TLR 884 *59, 112, 189, 346*
Attorney-General of Ceylon *v* Silva [1953] AC 461 *300*
Attorney-General for Hong Kong *v* Ng Yuen Shiu [1983] 2 AC 629 *380*
Attorney-General for New South Wales *v* Trethowan [1932] AC 526 *112, 113*
Attorney-General's Reference (No. 3 of 1977), *Re* [1978] 3 All ER 1166 *625*
Attorney-General's Reference (No. 3 of 1999), *Re; Re* British Broadcasting Corporation [2009] UKHL 34 *540*
Attorney-General's Reference (No. 3 of 2004), *Re* [2004] EWCA Crim 868 *590*
Attwood *v* Health Service Commissioner [2008] EWHC 2315 *711*
Austin *v* Metropolitan Police Commissioner [2007] EWCA Civ 989; [2009] UKHL 5 *525, 542, 605, 606*
Austin *v* United Kingdom [2012] ECHR 105 *606*
Autio *v* Finland [1991] 72 DR 245 *476*
Averill *v* United Kingdom [2001] 31 EHRR 36 *458, 462*
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Aydan *v* Turkey [2013] ECHR 16281/10 *439*
Aydin *v* Turkey [2005] 42 EHRR 973; [2005] ECHR 325 *443*
Ayr Harbour Trustees *v* Oswald [1883] LR 8 App Cas 623 *356*
Azam *v* Secretary of State for the Home Department [1974] AC 18 *394*

B *v* France [1993] 16 EHRR 1 *464*
B and L *v* United Kingdom [2005] ECHR 584 *486, 492*
Baczkowski *v* Poland [2007] ECHR 370 *485, 492*
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Bailey *v* Williamson [1873] LR 8 QB 118 *176*
Bank Mellat *v* Her Majesty's Treasury (No. 2) [2013] UKSC 39 *366, 367*
Banks *v* United Kingdom [2007] 45 EHRR SE 15 *517*
Barberà, Messegué and Jabardo *v* Spain [1989] 11 EHRR 360 *461*
Barnard *v* London Borough of Enfield [2002] EWHC 2282 (Admin) *509*
Barnard *v* National Dock Labour Board [1953] 2 QB 18 *351*
Barnardiston *v* Soame [1674] 6 St Tr 1063; [1689] 6 St Tr 1119 *236*
Barnardo *v* Ford [1892] AC 326 *394*
Barraco *v* France [2009] ECHR 31684/05 *482*
Barrett *v* Enfield London BC [2001] 2 AC 550; [1999] 3 WLR 79 *309–11, 313*
Bataliny *v* Russia; app. 10060/07 *443*
Batasuna *v* Spain [2009] ECHR 25803/04 *485*
Bates *v* Lord Hailsham [1972] 1 WLR 1373 *402*
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BC *v* Switzerland [1995] ECHR 21353/93 *471*
Beach *v* Freeson [1972] 1 QB 14 *230*
Becker *v* Finanzamt Münster-Innenstadt [1982] ECR 53 *92*
Beghal *v* Director of Public Prosecutions [2013] UKSC 49 *364, 662*
Behrami *v* France [2007] 45 EHRR SE10 *496*
Beldjoudi *v* France [1992] 14 EHRR 801 *469*
Belgium Linguistics Case [1979–80] 1 EHRR 241 *489*
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Ben El Mahi *v* Denmark [2006] ECHR 5853/06 *496*
Benham *v* United Kingdom [1996] 22 EHRR 293 *459*
Bentley *v* Brudzinski [1982] 75 Cr App R 217 *546*
Bibby *v* Chief Constable of Essex [2000] EWCA Civ 113 *605*
Bingham *v* Secretary of State for the Home Department [2009] UKHL 47 *664*

Binyam Mohammed *v* Secretary of State for Foreign and Commonwealth Affairs [2010] EWCA Civ 65 *531*
Birkdale District Electric Supply Co Ltd *v* Southport Corp [1926] AC 355 *356*
Bizimana *v* Secretary of State for the Home Department [2012] EWCA Civ 414 *523*
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Bladet Tromso *v* Norway [1999] 29 EHRR 125 *478*
Blokhin *v* Russia [2013] ECHR 1132 *452, 459*
Blum *v* DPP [2006] EWHC 3209 (Admin) *598*
Bolam *v* Friern Hospital Management Committee [1957] 1 WLR 382 *711*
Bonham's (Dr) Case [1610] 8 Co Rep 114 *103, 127, 377*
Bookbinder *v* Tebbit [1992] 1 WLR 217 *328*
Boso *v* Italy [2002] ECHR 846 *429*
Bosphorus *v* Ireland [2005] ECHR 45036/98 *415*
Boultif *v* Switzerland [2001] 33 EHRR 1179 *469, 535*
Bouamer *v* Belgium [1988] 11 EHRR 1 *452*
Bourgoin SA *v* Ministry of Agriculture, Fisheries and Food [1986] QB 716 *322*
Bouyid *v* Belgium; app 234280/09 *442*
Bowles *v* Bank of England [1913] 1 Ch 57 *111, 189*
Bowman *v* United Kingdom [1998] 26 EHRR 1; [1998] ECHR 4 *425*
Boyce *v* Paddington BC [1903] 1 Ch 109 *393*
Boyle *v* United Kingdom [1994] 19 EHRR 179 *467*
Bozano *v* France [1987] 9 EHRR 297 *453*
Bozgan *v* Romania [2007] ECHR 35097/02 *485*
Bracknell *v* United Kingdom [2007] ECHR 989 *435*
Bradbury *v* Enfield London BC [1967] 1 WLR 1311 *368*
Bradlaugh *v* Gossett [1884] LR 12 QBD 271 *200, 228, 236, 237*
Brannigan and McBride *v* United Kingdom [1993] 17 EHRR 539 *452, 493*
Brasserie du Pêcheur SA *v* Germany [1996] 2 WLR 506 *320*
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British Coal Corp *v* The King [1935] AC 500 *120*
British Oxygen Co Ltd *v* Minister of Technology [1971] AC 610 *354*
Brogan *v* United Kingdom [1989] 11 EHRR 117 *451*
Bromley London BC *v* Greater London Council [1983] 1 AC 768; [1982] 1 All ER 153 *360*
Bronda *v* Italy [1998] 33 EHRR 81; [1998] ECHR 22430/939 June 1998, Hudoc *467*
Brooks *v* Commissioner of Police of the Metropolis [2005] UKHL 24; [2005] 2 All ER 489 *315, 317*
Broome *v* Broome [1955] P 190 *326*
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Browne *v* Associated Newspapers [2007] EWCA Civ 295 *536*
Bryan *v* United Kingdom [1996] 21 EHRR 342 *456*
Bubbins *v* United Kingdom [2005] ECHR 159 *438*
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Buckley *v* Chief Constable of Thames Valley Police [2009] EWCA Civ 356 *554*
Buckley *v* United Kingdom [1996] 23 EHRR 101 *471, 533*
Budayeva *v* Russia [2008] ECHR 216 *432*
Bukta *v* Hungary [2007] ECHR 610 *483*
Bull *v* Chief Constable of Sussex [1995] 159 LG Rev 893 *554*
Bull and Ball *v* Hall and Preddy [2012] EWCA Civ 83 *538*
Burdett *v* Abbott [1814] 14 East 1 *246*
Burmah Oil Co *v* Lord Advocate [1965] AC 75 *43, 59, 106, 281, 289*
Burmah Oil Co Ltd *v* Bank of England [1980] AC 1090 *274, 327*
Buron *v* Denman [1848] 2 Ex 167 *304*
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Bushell *v* Secretary of State for the Environment [1981] AC 75 *374, 688, 689*
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Byrzykowski *v* Poland [2006] ECHR 648 *433*

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Cakici *v* Turkey [2001] 31 EHRR 133 *445*
Calder (John) (Publications) Ltd *v* Powell [1965] 1 QB 509 *624*
Cam *v* Turkey [2016] ECHR 206 *492*
Camelot Group plc *v* Centaur Communications Ltd [1999] QB 124; [1998] 1 All ER 251 *633*
Campaign for Nuclear Disarmament *v* Prime Minister [2002] EWHC 2777 (Admin) *403*
Campbell *v* MGM [2004] 2 WLR 1232 *536*
Campbell *v* Mirror Group Newspapers Ltd [2002] EWHC 499 (QB); *reversed* [2004] UKHL 22; [2004] 2 WLR 1232 *640, 641*
Campbell *v* Tameside Metropolitan BC [1982] QB 1065 *327*
Campbell *v* United Kingdom [1993] 15 EHRR 137 *473*
Campbell and Cosans *v* United Kingdom [1982] 4 EHRR 293; [1982] ECHR 1 *489*

Campbell and Fell *v* United Kingdom [1984] 7 EHRR 165 *456, 460*
Cannock Chase District Council *v* Kelly [1978] 1 WLR 1 *360*
Canon Selwyn, *ex p* [1872] 36 JP 54 *118*
Caparo Industries plc *v* Dickman [1990] 2 AC 605 *314*
Capital and Counties plc *v* Hampshire County Council [1997] QB 1004; [1997] 3 WLR 331 *320*
Carltona Ltd *v* Commissioners of Works [1943] 2 All ER 560 *352*
Carnduff *v* Rock [2001] EWCA Civ 683 *334*
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Case of Impositions (Bates' Case) [1606] 2 St Tr 371 *278*
Case of Proclamations [1611] 12 Co Rep 74 *59, 279, 285, 288, 736*
Case of Ship Money, *see* R *v* Hampden
Castorina *v* Chief Constable of Surrey [1988] NLJR 180; [1988] 160 LG Rev 241 *554*
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Cestaro *v* Italy; app 6884/11 *443*
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Chandler *v* Director of Public Prosecutions [1964] AC 763 *281, 635*
Chapman *v* United Kingdom [2001] 33 EHRR 399 *470, 533*
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Cheney *v* Conn [1968] 1 WLR 242; [1968] 1 All ER 779 *107*
Cheshire West and Chester County Council *v* P [2011] EWCA Civ 1257 *521, 524, 525*
Chester *v* Bateson [1920] 1 KB 829 *59, 175*
Chief Constable of Greater Manchester *v* McNally [2002] EWCA Civ 14 *330*
Chief Constable of Hertfordshire *v* Van Colle [2008] UKHL 50 *515*
Chief Constable of Merseyside *v* Hickman [2006] EWHC 451 (Admin) *576*
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Christians Against Fascism and Racism *v* United Kingdom [1980] 21 DR 138 *482, 483*
Christian Democratic People's Party *v* Moldova [2006] ECHR 132 *485*
Christie *v* United Kingdom [2007] ECHR 253 *471*
Church of Bessarabia *v* Moldova [2010] ECHR 45701/99; 13 December 2001, Hudoc *474*
Church of Scientology *v* Johnson-Smith [1972] 1 QB 522 *233*
Church of Scientology *v* Sweden [1980] 21 DR 109 *508*
Churchward *v* R [1865] LR 1 QB 173 *298*
Cinnamond *v* British Airports Authority [1980] 1 WLR 582 *381, 391*
Ciorap *v* Moldova [2016] ECHR 265 *443, 445*
City of London Corporation *v* Samede [2012] EWHC 34 (QB) *542*
Clarke *v* Chief Constable of North Wales [2000] All ER 477 *556*
Clitz *v* Netherlands [1988] 11 EHRR 360 *469*
Clunis *v* Camden and Islington Health Authority [1998] QB 978 *312, 313*
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Collins *v* London Borough of Sutton, *see* Thoburn *v* City of Sunderland
Collins *v* Wilcock [1984] 3 All ER 374 *546*
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Commonwealth of Australia *v* John Fairfax and Sons Ltd [1980] 147 CLR 39 *615, 639*
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Congreve Home Office [1976] QB 629; [1976] 1 All ER 697 *189*
Connolly *v* Director of Public Prosecutions [2007] EWHC 237 (Admin) *628*
Connelly *v* Police Service of Northern Ireland [2006] NIQB 98 *316*
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Connor *v* Surrey County Council [2010] EWCA Civ 286 *311*
Connors *v* United Kingdom [2004] ECHR 223 *471*
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Darnel's Case (The Five Knights' Case) [1627] 3 St Tr 1 *279, 289*
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De Morgan *v* Director General of Social Welfare [1998] AC 275; [1998] 2 WLR 427 *287*
De Souza *v* Director of Public Prosecutions [1992] 4 All ER 545 *574*
De Wilde, Ooms and Versyp *v* Belgium [1979–80] 1 EHRR 373 *453*
Defrenne *v* SABENA [1976] ECR 455; [1976] 2 CMLR 98 *91*
Delfi AS *v* Estonia [2015] ECHR 554 *478, 479*
Demirci *v* Turkey [2008] ECHR 477 *435*
Derbyshire County Council *v* Times Newspapers Ltd [1993] 1 All ER 1011 *615*
Dickson *v* United Kingdom [2007] ECHR 1051 *469, 486*
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Dillenkofer *v* Federal Republic of Germany [1997] 2 WLR 253 *322*
Dillon *v* Balfour [1887] 20 Ir LR 600 *227*
Dimes *v* Grand Junction Canal Proprietors [1852] 3 HL Cas 759 *377*
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Director General of Fair Trading *v* Proprietary Association of Great Britain [2001] 1 WLR 700 *527*
Director of Public Prosecutions *v* A and BC Chewing Gum Ltd [1968] 1 QB 159 *623, 624*
Director of Public Prosecutions *v* Collins [2006] UKHL 40 *628*
Director of Public Prosecutions *v* Hancock and Tuttle [1995] Crim LR 139 *610*
Director of Public Prosecutions *v* Hawkins [1988] 1 WLR 1166 *557*
Director of Public Prosecutions *v* Jones [1997] 2 All ER 119 *597*
Director of Public Prosecutions *v* Jordan [1976] 3 All ER 775 *625*
Director of Public Prosecutions *v* Mills [1997] QB 300 *610*
Director of Public Prosecutions *v* Whyte [1972] AC 849 *623*
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Donnelly *v* Jackman [1970] 1 All ER 987 *546*
Donaghue *v* Poplar Housing and Regeneration Community Association [2001] EWCA Civ 595 *410*
Dordevic *v* Croatia [2012] ECHR 309 *442, 443*
Dory *v* Sweden [2002] ECHR 28394/95 *456*
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Douglas *v* Hello! Ltd [2005] EWCA Civ 595 *536*
Dovorski *v* Croatia [2015] ECHR 927 *565*
Doyle *v* United Kingdom [2007] ECHR 165 *139*
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Dunn *v* Macdonald [1897] 1 QB 401 *300*
Dunn *v* R [1896] QB 116 *299*
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Elafteriadis *v* Romania [2011] ECHR 38427/05 *444*
Elberte *v* Latvia [2015] ECHR 1 *441*
Ellen Street Estates *v* Minister of Health [1934] 1 KB 590 *104*
Elliott *v* Chief Constable of Wiltshire [1996] The Times, 5 December *323*
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E M (Lebanon) *v* Secretary of State for the Home Department [2008] UKHL 64 *521*
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Erdogan *v* Turkey [2005] ECHR 19807/92 *438*
Errington *v* Minister of Health [1935] 1 KB 249 *688*
Estevez *v* Spain [2001] ECHR 56501/00 *468*
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Evans *v* United Kingdom [2006] ECHR 200 *429*
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Eweida *v* United Kingdom [2013] ECHR 48420/10 *473, 475*
Ezeh and Connors *v* United Kingdom [2003] ECHR 1485 *456*
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Falakaoglu *v* Turkey [2005] ECHR 258 *482*
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Faulkner *v* United Kingdom [1998] ECHR 30308/96; [2000] The Times, 11 January *419*
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Foxley *v* United Kingdom [2001] 31 EHRR 25 *469, 473*
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Freda *v* Italy [1980] 21 DR 250 *495*
Frodl *v* Austria [2010] 52 EHRR 267; [2010] ECHR 508 *490*
Frunkin *v* Russia [2016] ECHR 64 *483*
Furdik *v* Slovakia [2008] ECHR 1767 *432*

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Gafgen *v* Germany [2010] ECHR 759 *443*
Gagiu *v* Romania [2009] ECHR 63258/00 *434*

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Gaskin *v* Liverpool Corporation [1980] 1 WLR 1549 *327*
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Gelberg *v* Miller [1961] 1 All ER 291 *556*
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Ghaidan *v* Godin-Mendoza [2004] 2 AC 557; [2004] 3 All ER 411 *535*
Gibson *v* Lord Advocate 1975 SC 136; [1975] 1 CMLR 563 *117*
Giuliani and Gaggio *v* Italy [2009] ECHR 1271 *438*
Girling *v* Parole Board [2005] EWHC 546 (Admin) *522*
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Glaser *v* United Kingdom [2000] 33 EHRR 1; [2000] ECHR 23246/9619 September 2000, Hudoc *467*
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Glimmerveen and Hagenbeck *v* Netherlands [1979] 18 DR 187 *477*
Godden *v* Hales [1686] 11 St Tr 1165 *279*
Goffin *v* Donnelly [1881] LR 6 QBD 307 *227*
Golder *v* United Kingdom [1975] 1 EHRR 524 *121, 457*
Goldsmith *v* Bhoyrul [1998] 2 WLR 435 *615*
Goodwin *v* Fortescue [1604] 2 St Tr 91 *236*
Goodwin *v* United Kingdom [1996] 22 EHRR 123 *477, 481, 633*
Goodwin *v* United Kingdom [2002] 35 EHRR 18 *464–5, 486*
Gorringe *v* Calderdale Metropolitan BC [2004] UKHL 15; [2004] 2 All ER 326 *308–11*
Gorris *v* Scott [1874] LR 9 Ex 125 *308*
Gough *v* Chief Constable West Midlands [2004] EWCA Civ 206 *576*
Gouriet *v* Union of Post Office Workers [1978] AC 435 *286, 289, 395*
Govell *v* United Kingdom [1998] ECHR 27237/95; 14 January 1988, Hudoc *470*
Grad *v* Finanzamt Traunstein [1970] ECR 825; [1971] CMLR 1 *93*
Grant *v* United Kingdom [2006] ECHR 548 *465*
Greek Case [1969] 12 YB 1 *493*
Green *v* Director of Public Prosecutions [1991] Crim LR 782 *546*
Greens and MT *v* United Kingdom [2010] ECHR 1826 *138, 490, 504*
Greenpeace *v* Switzerland [1996] 23 EHRR 116 *508*
Griffin *v* South West Water Services Ltd [1995] IRLR 15 *92*
Groom *v* Director of Public Prosecutions [1991] Crim LR 713 *610*
Grori *v* Albania [2009] ECHR 1076 *444*
Gsell *v* Switzerland [2009] ECHR 1465 *481*
Guerra *v* Italy [1998] 26 EHRR 357 *466, 476*
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Guzzardi *v* Italy [1980] 3 EHRR 333 *449*

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Haas *v* Switzerland [2011] ECHR 31332/07 *440*
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Haim *v* Kassenzahnarztliche Vereinigung Nordrhein (C424/97) [2000] ECR I-5123; [2000] All ER (D) 916 *322*
Halford *v* United Kingdom [1997] 24 EHRR 523 *471, 472*
Hamer *v* United Kingdom [1977] ECHR 2 *485*
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Hampshire County Council *v* Hammer Trout Farm *see* R (on the application of Beer (t/a Hammer Trout Farm)) *v* Hampshire Farmers Markets Ltd
Handyside *v* United Kingdom [1976] 1 EHRR 737 *420, 422, 482, 487, 488*
Hanks *v* Ministry of Housing and Local Government [1963] 1 QB 999 *361*
Hanningford (Lord) of Chelmsford *v* Chief Constable of Essex [2013] EWHC 243 (QB) *555*
Haoucher *v* Minister of State for Immigration and Ethnic Affairs [1990] 93 ALR 51 *371*
Harper *v* Secretary of State for the Home Department [1955] Ch 238 *237*
Harris *v* Minister of the Interior [1952] 2 SA 428 *112, 113*
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Hedley Byrne & Co Ltd *v* Heller & Partners Ltd [1964] AC 465 *359*

Helow *v* Secretary of State for the Home Department [2008] UKHL 62 *380*
Herczegfalvy *v* Austria [1992] 15 EHRR 437 *434*
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Hickman *v* Maisey [1900] 1 QB 753 *611*
Higgs *v* Minister of National Security [2000] 2 AC 228 *738*
Hill *v* Chief Constable of West Yorkshire [1989] AC 53; [1988] 2 All ER 238 *314–19, 590*
Hipperson *v* Electoral Registration Officer for the District of Newbury [1985] QB 1060 *133*
Hirsi Jamaa *v* Italy [2012] ECHR 27765/09 *447*
Hirst and Agu *v* Chief Constable of West Yorkshire [1987] 85 Cr App Rep 143 *612*
Hirst *v* Secretary of State for the Home Department [2006] EWCA Civ 945 *522*
Hirst *v* United Kingdom (No. 2) [2005] ECHR 681 *138, 490, 504*
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HL *v* United Kingdom [2005] 40 EHRR 32; [2004] ECHR 720 *453*
HM Advocate *v* McIntosh 2001 SCCR 191 *526*
HM Treasury *v* Mohammed Jabar Ahmed [2010] UKSC 2 *59*
Hodgson *v* United Kingdom [1988] 10 EHRR 503 *508*
Holgate-Mohammed *v* Duke [1984] AC 437 *552*
Holtham *v* Commissioner of Police of the Metropolis [1987] *The Times,* 8 January *554*
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Hough *v* Chief Constable of Staffordshire [2001] EWCA Civ 39 *554*
HRH Prince of Wales *v* Associated Newspapers Ltd [2006] EWHC 522 (Ch); [2006] EWCA Civ 1776 *641*
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Hussain *v* United Kingdom [1996] 22 EHRR 1 *452*

I *v* United Kingdom [2002] ECHR 592 *486*
Ibrahim *v* United Kingdom [2016] ECHR 750 *459*
Identoba *v* Georgia [2015] ECHR 474 *483*
Informer, An *v* A Chief Constable [2012] EWCA Civ 197 *317*
Inquiry under the Company Securities (Insider Dealing) Act 1985, Re [1988] 1 All ER 203 *633*
International Transport Roth GmbH *v* Secretary of State for the Home Department [2002] EWCA Civ 158 *119, 512, 527*
Internationale Handelsgesellschaft mbH *v* Einfuhr- und Vorratsstelle fur Getreide [1970] ECR 1125 *121*
Ipek *v* Turkey [2009] ECHR 188 *453*
Ireland *v* United Kingdom [1978] 2 EHRR 25 *442, 445, 493, 494*
Ivantoc *v* Moldova and Russia [2011] ECHR 23687/05 *495*
Ivanova and Cherkazo *v* Bulgaria [2016] ECHR 373 *471*
Izzetin Dogan *v* Turkey [2016] ECHR 387 *474*

J *v* Secretary of State for the Home Department [2005] EWCA Civ 629 *520*
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Jabari *v* Turkey [2001] 29 EHRR CD 178 *442*
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Jalloh *v* Germany [2006] 44 EHRR 667 *462*
James *v* United Kingdom [1986] 8 EHRR 123 *487, 488*
Janowiec *v* Russia [2014] 58 EHRR 30' [2013] ECHR 1003 *437*
Janowski *v* Poland [2000] 29 EHRR 705 *477*
Jasper *v* United Kingdom [2000] 30 EHRR 441 *333*
JD and another *v* East Berkshire Community Health NHS Trust [2003] EWCA Civ 1151 *312*
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Johansen *v* Norway [1985] 44 DR 155 *450*
Johansen *v* Norway [1996] 23 EHRR 33 *467*
John *v* Express Newspapers [2000] 3 All ER 257 *540*
Johnson *v* Sargant [1918] 1 KB 101 *176*
Johnson (B) & Co (Builders) Ltd *v* Minister of Health [1947] 2 All ER 395 *689*
Johnston *v* Chief Constable of the Royal Ulster Constabulary [1987] QB 129; [1986] 3 CMLR 240 *92, 176*
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Johnstone *v* Pedlar [1921] 2 AC 262 *304*
Jones *v* Department of Employment [1989] QB 1 *399*
Jordan *v* United Kingdom [2003] 37 EHRR 2; [2001] 11 BHRC 1 *435*
Jorgic *v* Germany [2007] ECHR 583 *463*
Joyce *v* DPP [1946] AC 347 *108*

JR20's Application [2010] NIQB 11 *516*
JR 55, Re Application for Judicial Review (Northern Ireland) (Rev 1) [2016] UKSC 22 *711*
Julin *v* Estonia [2012] ECHR 16563/08 *444*

Kalac *v* Turkey [1999] 27 EHRR 552 *474*
Kalda *v* Estonia [2016] ECHR 92 *476*
Kalender *v* Turkey [2009] ECHR 4314/02 *432*
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Karacsony *v* Hungary *246*
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Kart *v* Turkey [2009] ECHR 1981 *457*
Kaufman *v* Belgium [1986] 50 DR 98 *458*
Kavanagh *v* Chief Constable of Devon and Cornwall [1974] QB 624 *683*
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Kay *v* United Kingdom [2010] ECHR 223 *471*
Keegan *v* Chief Constable of Merseyside [2003] EWCA Civ 936 *590*
Keegan *v* Ireland [1994] 18 EHRR 342 *467*
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Kennedy *v* United Kingdom [2010] ECHR 682 *472*
Keenan *v* United Kingdom [2001] 33 EHRR 38 *433, 434*
Kelly *v* Faulkner [1973] NI 31 *50*
Kent *v* Commissioner of Police of the Metropolis [1981] The Times, 15 May *596*
Kent *v* Griffiths [2000] QB 36 *320*
Kerimova *v* Russia [2011] ECHR 744 *438*
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Khan *v* Metropolitan Police Commissioner [2008] EWCA Civ 723 *558*
Khan *v* United Kingdom [2001] 31 EHRR 45 *470, 473*
Khan (AW) *v* United Kingdom [2010] ECHR 47486/06 *469*
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Klass *v* Federal Republic of Germany [1980] 2 EHRR 214 *473*
Knuller *v* Director of Public Prosecutions [1973] AC 435 *630*
Köbler *v* Republik Österreich Case C-224/01, [2004] All ER (EC) 23; [2004] QB 848; [2004] 2 WLR 976 *321*
Kodeeswaran *v* Attorney-General of Ceylon [1970] AC 1111 *299*
Kokkinakis *v* Greece [1993] 17 EHRR 397 *474*
Kolyadenko *v* Russia [2013] 56 EHRR 2; [2012] ECHR 338 *437*
Konle *v* Austria [1999] ECR I-3099 *322*
Konstas *v* Greece [2007] ECHR 53466/07 *462*
Koshiyev *v* Russia [2005] ECHR 132 *438*
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Kremzow *v* Austria [1997] ECR I-2629 *415*
Kröcher and Müller *v* Switzerland [1984] 6 EHRR 345 *445*
Krone Verlag GmbH *v* Austria [2003] 36 EHRR 57; [2002] ECHR 159; 26 February 2002, Hudoc *478*
Krumpa and Anderson *v* Director of Public Prosecutions [1989] Crim LR 295 *599*
Kruse *v* Johnson [1898] 2 QB 91 *176*
Krzycki *v* Federal Republic of Germany [1978] 13 DR 57 *450*
Kucheruk *v* Ukraine [2007] ECHR 712 *443*
Kukayev *v* Russia [2007] ECHR 29361/02 *398, 414*
Kulayev *v* Russia; app 29361/02 *442*
Kuwait Airways Corporation *v* Iraqi Airways Corporation (Nos 4 and 5) [2002] AC 883 *282, 283*
Kyprianou *v* Cyprus [2004] ECHR 43 *456*

L *v* Lithuania [2007] ECHR 725 *465*
Ladele *v* London Borough of Islington [2009] EWCA Civ 1357 *538*
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Laker Airways Ltd *v* Department of Trade [1977] QB 643 *288, 290, 362*
Lambert *v* France [2015] ECHR 185 *440*
Lambert *v* West Devon BC [1997] 75 P & CR 282; [1997] *The Times,* 27 March *359*
Lambourdiere *v* France [2000] ECHR 413 *455*
Larner *v* Solihull Metropolitan BC [2000] EWCA 359; [2001] LGR 255 *310*
Laskey *v* United Kingdom [1997] 24 EHRR 39 *466*
Lautsi *v* Italy [2009] ECHR 1901 *475*
Lavender *v* Minister of Housing and Local Government [1970] 1 WLR 1231 *353*

Lawless *v* Ireland (No. 3) [1961] 1 EHRR 15 *493*
LCB *v* United Kingdom [1998] 27 EHRR 212 *430*
Le Compte, Van Leuven and De Meyere *v* Belgium [1981] 4 EHRR 1 *484*
Leander *v* Sweden [1987] 9 EHRR 433 *473*
Lee *v* Bude and Torrington Junction Railway Co 8 [1871] LR 6 CP 576 *103*
Lee Davies *v* Belgium [2009] ECHR 18704/05 *458*
Leger *v* France [2006] ECHR 380 *449*
Leonesio *v* Italian Ministry of Agriculture and Forestry [1972] ECR 287; [1973] CMLR 343 *91*
Lever Finance Ltd *v* Westminster Corp [1971] 1 QB 222 *359*
Lewis *v* Chief Constable of South Wales [1991] 1 All ER 206 *557*
Liberal Party *v* United Kingdom [1980] 21 DR 211 *490*
Liberal Party *v* United Kingdom [1982] 4 EHRR 106 *508, 509*
Liberty *v* United Kingdom [2008] ECHR 568 *424*
Lindon Otcharkovsky-Laurens and July *v* France [2007] ECHR 836 *478*
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Lithgow *v* United Kingdom [1986] 8 EHRR 329 *488*
Liversidge *v* Anderson [1942] AC 206 *65, 403, 652*
Lodge *v* Director of Public Prosecutions [1988] *The Times,* 26 October *610*
Lodwick *v* Saunders [1985] 1 WLR 382 *550*
Loizidon *v* Turkey [1996] 23 ECHR 513; [1996] ECHR 70 *495*
London Passenger Transport Board *v* Sumner [1935] 99 JP 387 *176*
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Lopez-Ostra *v* Italy [1994] 20 EHRR 277 *466*
Lord Advocate *v* Dumbarton DC [1990] 2 AC 580 HL; reversing 1988 SLT 546; [1988] *The Times,* 18 March *59, 285*
Lucas *v* Lucas and High Commissioner for India [1943] P 68 *299*
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Lumbuela *v* Secretary of State for the Home Department [2004] 3 WLR 561 *519*
Lunt *v* Director Public Prosecutions [1993] Crim LR 534 *577*
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Maaouia *v* France [2000] ECHR 455 *455*
Macarthys Ltd *v* Smith [1979] 1 WLR 1189; [1979] 3 All ER 325 *122*
Makanjuola *v* Commissioner of Police of the Metropolis [1992] 3All ER 617 *331*
Maslov *v* Austria [2008] ECHR 546 *535*
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McClaren *v* Home Office [1990] ICR 824 *299, 408*
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McGrogan *v* Chief Constable of Cleveland [2002] EWCA Civ 86 *602*
McInnes *v* Onslow-Fane [1978] 1 WLR 1520 *369, 381*
McKay *v* United Kingdom [2006] ECHR 820 *451*
McKennitt *v* Ash [2006] EWCA Civ 1714 *540*
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Maclean *v* The Workers' Union [1929] 1 Ch 602 *369*
McLean and Cole *v* United Kingdom [2013] ECHR 1368 *490*
McLeod *v* Commissioner of Police of the Metropolis [1994] 4 All ER 553 *575, 604*
McLeod *v* United Kingdom [1999] 27 EHRR 493 *470, 473*
MacManaway, Re [1951] AC 161 *144*
McMichael *v* United Kingdom [1995] 20 EHRR 205 *457*
McVeigh, O'Neill and Evans *v* United Kingdom [1983] 5 EHRR 71 *451*
McWhirter *v* Independent Broadcasting Authority [1973] QB 629 *286, 395*
Madzimbamuto *v* Lardner Burke [1969] 1 AC 645 *65*
Magee *v* United Kingdom [2001] 31 EHRR 35 *458*
Makanjuola *v* Commissioner of Police of the Metropolis [1992] 3 All ER 617 *331*

Makaratzis *v* Greece [2004] ECHR 694 *430*
Makudi *v* Baron Triesman of Tottenham [2014] EWCA Civ 179 *229*
Malloch *v* Aberdeen Corp 1973 SC 227; 1974 SLT 253 *175*
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Marbury *v* Madison [1803] 5 US (Cranch) *41*
Maritime Electric Co Ltd *v* General Dairies Ltd [1937] AC 610; [1937] 1 All ER 248 *358*
Marleasing SA *v* La Comercial Internacional de Alimentación SA [1990] ECR I-4135; [1992] 1 CMLR 305 *92*
Marshall *v* Southampton and South West Hampshire AHA [1986] QB 401; [1986] 1 CMLR 688 *92, 321*
Maslov *v* Austria [2008] ECHR 546 *469, 535*
Mathieu-Mohin *v* Belgium [1987] 10 EHRR 1 *490*
Matthews *v* Ministry of Defence [2003] UKHL 4; [2003] 1 All ER 689 *302*
Matthews *v* United Kingdom [1999] 28 EHRR 361 *490*
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Medvedyer *v* France [2010] 51 EHRR 899; [2010] ECHR 1671 *449, 496*
Mella *v* Monahan [1961] Crim LR 175 *624*
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Menesheva *v* Russia [2006] ECHR 222 *444*
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Mills *v* London County Council [1925] 1 KB 213 *352*
Mocarska *v* Poland [2007] ECHR 894 *453*
Mohammed *v* Foreign and Commonwealth Office [2013] WLR (D) 439 *531*
Mohammed *v* Secretary of State for Defence [2015] EWCA Civ 843 *511*
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Nazarentov *v* Russia [2015] ECHR 686 *466*
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Ngendakuamana *v* Netherlands [2013] ECHR 421; app 116380/11 *418*
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Nissan *v* Attorney-General [1970] AC 178 *304*
Nolan *v* Russia [2009] ECHR 262 *476*
Nold *v* Commission of the European Communities [1974] ECR 491 *415*
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Norwich Pharmacal Co *v* Customs and Excise Commissioners [1974] AC 133 *329*
Neverzhitsky *v* Ukraine [2005] ECHR 210 *444*

Oberschlick *v* Austria [1995] 19 EHRR 389 *477*
Observer and Guardian *v* United Kingdom [1991] 14 EHRR 153 *481*
Ocalan *v* Turkey [2005] 41 EHRR 45 *421, 459, 495*
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O'Dowd *v* United Kingdom [2007] ECHR 990 *435*
Oetjen *v* Central Leather Co 246 US 297 [1918] *283*
Office of Government Commerce *v* Information Commissioner [2008] EWHC 774 (Admin) *233*
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Öneryildiz *v* Turkey [2004] ECHR 657 *431*
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Open Door Counselling Ltd and Dublin Well Woman Centre *v* Ireland [1992] 15 EHRR 244 *476*
Opinion 2/94 [1996] *The Times,* 16 April *416*
Opuz *v* Turkey [2009] ECHR 870 *430*
O'Reilly *v* Mackman [1983] 2 AC 237 *349, 390, 396, 406, 407*
Osborn *v* Parole Board [2013] UKSC 61 *369*
Oskar *v* Australia [1988] AC 366 *394*
Osman *v* Director of Public Prosecutions [1999] All ER (D) 716; [1999] 163 JP 725 *548*
Osman *v* Ferguson [1993] 4 All ER 344 *315*
Osman *v* United Kingdom [1998] 29 EHRR 245 *314, 318, 329, 433–5, 515–16, 591*
Othman (Abu Qatada) *v* United Kingdom [2012] ECHR 56 *463*
Otto-Preminger Institute *v* Austria [1994] 19 EHRR 34 *473, 482*
Ozel *v* Turkey; app 14350/05 *432*
Ozgur *v* Turkey [2000] ECHR 23144/93; 16 March 2000, Hudoc *477*

Padfield *v* Minister of Agriculture, Fisheries and Food [1968] AC 997 *342, 362*
Page *v* Hull University Visitor [1993] AC 682; [1993] 1 All ER 97 *350*
Palumbo *v* Italy 4 September 1996, Hudoc *488*
Parker *v* Director of Public Prosecutions [2001] 165 JP 213; [2001] RTR 240; [2001] *The Times,* 26 January *526*
Parliamentary Election for Bristol South East, *Re* [1964] 2 QB 257 *144*
Patel *v* United Kingdom [1980] 4 EHRR 256 *489*
Pay's Case [1704] 2 Ld Raym 1105 *246*
Paul *v* Chief Constable of Humberside Police [2004] EWCA Civ 308 *552*
PB and JS *v* Austria [2010] ECHR 1146 *468*
Pearlman *v* Keepers and Governors of Harrow School [1979] QB 56 *350, 399*
Pellegrin *v* France [2001] 31 EHRR 26, [1999] ECHR 140 *455*
Pendragon *v* United Kingdom 19 October 1998, Hudoc *485*
Pepper *v* Hart [1992] 3 WLR 1032 *232, 503–4*
Percy *v* Director of Public Prosecutions [1995] 3 All ER 124 *602*
Percy *v* Director of Public Prosecutions [2001] EWHC Admin 1125 *610*
Percy *v* Hall [1997] 3 WLR 573 *176*
Pergamon Press, *Re* [1971] Ch 388 *369*
Perincek *v* Switzerland [2013] ECHR 27510/08 *477, 481*
Peters *v* Netherlands [1994] 77-A DR 75 *466*
Petrovic *v* Austria [2001] 33 EHRR 13 *492*
PG and JH *v* United Kingdom [2001] *The Times,* 19 October *568*
Phelps *v* Hillingdon London BC [2001] 2 AC 619; [2000] 3 WLR 776 *309, 310, 314*
Philcox *v* Civil Aviation Authority [1995] 92(27) LSG 33; [1995] *The Times,* 8 June *313*
Phillips *v* Eyre [1870] LR 6 QB 1 *106*
Pickering *v* Jones [1873] LR 8 CP *306*
Pickin *v* British Railways Board [1974] AC 765 *44, 109, 236*
Piddington *v* Bates [1960] 3 All ER 660 *603*
Piermont *v* France [1995] 20 EHRR 301 *421, 426*
Pine Valley Developments *v* Ireland [1992] 14 EHRR 319 *508*
Pishchalnikov *v* Russia [2009] ECHR 1357 *459*
PJS *v* News Group Newspapers [2016] UKSC 26 *541*
Plattform 'Ärzte für das Leben' *v* Austria [1991] 13 EHRR 204 *421, 477, 482, 508*
Police *v* Reid [1987] Crim LR 702 *596*
Porter *v* Magill [2001] UKHL 67 *361, 379*
Powell *v* Chief Constable of North Wales [2002] *The Times,* 11 February *329, 330*
Powell *v* May [1946] KB 330 *176*
Powell *v* United Kingdom [2000] ECHR 703 *432*
Poyser and Mills' Arbitration, *Re* [1964] 2 QB 467 *375*
Prager and Oberschlick *v* Austria [1996] 21 EHRR 1 *481*
Prebble *v* Television New Zealand Ltd [1995] 1 AC 321 *226, 232, 233*
Prescott *v* Birmingham Corp [1955] Ch 210 *360, 388*
Pretto *v* Italy [1984] 6 EHRR 182 *460*
Pretty *v* United Kingdom [2002] 35 EHRR 1 *439, 464*
Price *v* Rhondda UDC [1923] 2 Ch 372 *360*
Price *v* United Kingdom [2002] 34 EHRR 53 *444*
Prohibitions del Roy [1607] 12 Co Rep 63 *279, 285*

Pubblico Ministero *v* Ratti [1979] ECR 1629; [1980] 1 CMLR 96 *91*
Purcell *v* Ireland [1991] 70 DR 262 *477*

Q (on application of Sorkandi) *v* Secretary of State for Foreign and Commonwealth Affairs [2015] EWCA Civ 687 *531*
Quinland *v* Governor of Belmarsh Prison [2002] EWCA Civ 174 *301*

R (on the application of A) *v* Director of Establishment of the Security Services [2009] EWCA Civ 24; [2009] UKSC 12 *588*
R (on application of Abani) *v* Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598 *405*
R (on the application of Abassi) *v* Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598 *291*
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R (on the application of Aqyular Quila) *v* Secretary of State for the Home Department [2010] EWCA Civ 1482 *543*
R (on the application of Al Hasan) *v* Secretary of State for the Home Department [2005] UKHL 13 *379, 380*
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R (on the application of AM) *v* Secretary of State for the Home Department [2009] EWCA Civ 219 *517*
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R (on the application of Anderson) *v* Secretary of State for the Home Department [2002] UKHL 46 *528*
R (on the application of Animal Defenders International) *v* Secretary of State for Culture, Media and Sport [2008] UKHL 15; [2008] 3 All ER 193 *501, 619, 620*
R (on the application of B) *v* Secretary of State for the Home Department [2002] EWHC 587 *291*
R (on the application of Baiai) *v* Secretary of State for Home Department [2007] EWECA Civ 478; [2007] 4 All ER 199 *510, 543*
R (on the application of Bancoult) *v* Secretary of State for Foreign and Commonwealth Affairs [2007] EWCA Civ 498; [2008] UKHL 61 *285, 291*
R (on the application of Beer t/a Hammer Trout Farm) *v* Hampshire Farmers Markets Ltd [2003] EWCA Civ 1056 *410*
R (on the application of Begum) *v* Denbigh High School [2006] UKHL 15 *538*
R (on the application of Bewry) *v* Norwich City Council [2001] EWHC Admin 657 *532*
R (on the application of Bibi and Al-Nashed) *v* Newham London BC [2001] EWCA Civ 607 *382*
R (on the application of Binyam Mohamed) *v* Secretary of State for Foreign and Commonwealth Affairs [2010] EWCA Civ 65 *329*
R (on application Bourgass) *v* Secretary of State for Justice [2015] UKSC 54 *352, 376*
R (on the application of Bradley) *v* Secretary of State for Work and Pensions [2008] EWCA Civ 36 *703, 707*
R (on the application of British Sky Broadcasting) *v* Commissioner of Police of the Metropolis [2014] UKSC 17 *573*
R (on the application of Brooke) *v* Parole Board [2008] EWCA Civ 29 *521*
R (on application of Carlile) *v* Secretary of State for the Home Department UKSC 60 *404, 405*
R (on the application of Cart) *v* Upper Tribunal [2010] EWCA Civ 859 *697*
R (on the application of Catt) *v* Association of Chief Police Officers [2013] EWCA Civ 192 *566*
R (on the application of Chester) *v* Secretary of State for Justice [2010] EWCA Civ 1439; [2013] UKSC 63 *504*
R (on the application of Clark-Darby) *v* Highbury Magistrates Court [2001] EWHC Admin 959 *373*
R (on the application of Core Issues Trust) *v* Transport for London [2014] EWCA Civ 34 *361 541*
R (on the application of Countryside Alliance) *v* Attorney-General [2007] UKHL 52 *533, 541*
R (on the application of D) *v* Secretary of State for the Home Department [2006] EWCA Civ 143 *518*
R (on application of Davis and Others) *v* Secretary of State for the Home Department [2015] EWHC 2092 (Admin) *122, 123*
R (on the application of Equitable Members Action Group) *v* HM Treasury [2009] EWHC 2495 (Admin) *709*
R (on application Evans) *v* Attorney-General [2015] UKSC 212 *643*
R (on the application of Farrakhan) *v* Secretary of State for the Home Department [2002] EWCA Civ 606 *513*
R (on the application of Fuller) *v* Chief Constable of Dorset [2001] EWHC 1057 (Admin) *600*
R (on the application of G) *v* Governors of X School [2010] EWCA Civ 1 *527*
R (on the application of GC) *v* Metropolitan Police Commissioner [2011] UKSC 21 *566*

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R (on application of Garner) [2010] EWCA Civ 1006 *390*
R (on the application of Gaunt) *v* Office of Communications [2011] EWCA Civ 692 *539, 618*
R (on the application of Gentle) *v* Prime Minister [2008] UKHL 20 *519*
R (on the application of Greenfield) *v* Secretary of State for the Home Department [2005] UKHL 14 *528, 531*
R (on the application of Gurung) *v* Ministry of Defence [2002] EWHC 2463 (Admin) *363*
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R (on the application of Haw) *v* Secretary of State for the Home Department [2006] EWCA Civ 532 *597*
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R (on the application of Hooper) *v* Secretary of State for Work and Pensions [2005] 1 WLR 1681 *276*
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R (on application of Howard League for Penal Reform) *v* Lord Chancellor [2015] EWCA Civ 819 *355*
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R (on the application of JL) *v* Secretary of State for the Home Department [2007] EWCA Civ 767; [2008] UKHL 68 *516, 518*
R (on the application of Kambadzi) *v* Secretary of State for the Home Department [2011] UKSC 23 *524*
R (on the application of Laporte) *v* Chief Constable of Gloucestershire [2007] 2 AC 105 *542, 604, 606*
R (on application of London Christian Radio) *v* Radio Advertising Clearance Centre [2013] EWCA Civ 1495 *620*
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R (on the application of Lord Carlile of Berriew) *v* Secretary of State for the Home Department [2013] EWCA Civ 199 *512*
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R (on the application of McClure) *v* Metropolitan Police Commissioner [2012] EWCA Civ 12 *605*
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R (on the application of Mellor) *v* Secretary of State for the Home Department [2001] EWCA Civ 472 *543*
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R (on the application of P) *v* Secretary of State for Justice [2009] EWCA Civ 701 *518*
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R (on the application of Pro Life Alliance) *v* BBC [2003] UKHL 23 *619*

R (on the application of Purdy) *v* Director of Public Prosecutions [2009] UKHL 45 *534, 515*
R (on the application of PW) *v* Metropolitan Police Commission [2006] EWCA Civ 458 *598*
R (on the application of Rashid) *v* Secretary of State for the Home Department [2005] EWCA Civ 744 *382, 384*
R (on the application of Razgar) *v* Secretary of State for the Home Department [2004] UKHL 27 *536*
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R (on the application of Smith) *v* Secretary of State for Defence [2010] UKSC 29 *511*
R (on the application of Southall) *v* Secretary of State for Foreign and Commonwealth Affairs (Application for Permission to Appeal) [2003] EWCA Civ 1002 *65*
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R (on the application of Turpin) *v* Commissioner for Local Administration [2001] EWHC Admin 503 *709, 714*
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R (on the application of Williamson) *v* Secretary of State for Education and Employment [2005] UKHL 15 *537*
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R *v* Absolam [1989] 88 Cr App R 332 *534*
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R *v* Bailey [2001] EWCA Crim 733 *569*
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R *v* Camden London BC *ex p* Gillan [1988] 21 HLR 114 *347*
R *v* Casement [1917] 1 KB 98 *107*
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R *v* Central Criminal Court, *ex p* Carr *The Independent,* 5 March 1987 *573*

R *v* Central Criminal Court, *ex p* Francis and Francis [1988] 3 All ER 77 *572*
R *v* Central Criminal Court JJ [1886] 17 QBD 598 *342*
R *v* Chalkley and Jeffries [1998] 2 All ER 155 *552*
R *v* Chester City Council, *ex p* Quietlynn Ltd [1985] 83 LGR 308 *351*
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R *v* Clark [1964] 2 QB 315 *612*
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R *v* Cornwall County Council, *ex p* Huntington [1994] 1 All ER 694 *398, 400*
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R *v* Governor of Brixton Prison, *ex p* Osman (No. 1) [1991] 1 WLR 281; [1992] 1 All ER 108 *332*
R *v* Governor of Brixton Prison, *ex p* Soblen [1963] 2 QB 243 *394*
R *v* Governor of Pentonville Prison, *ex p* Osman [1990] 1 WLR 277 *394*
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R *v* Howden-Simpson [1991] Crim LR 49 *567*
R *v* Howell [1982] QB 416 *559, 602*
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R *v* Hunt [1994] Crim LR 747 *570*
R *v* Ibrahim and Others [2008] EWCA Crim 880 *564*
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R *v* Immigration Appeal Tribunal, *ex p* Khan [1983] QB 790 *375*
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R *v* Inland Revenue Commissioners, *ex p* Unilever [1996] STC 681 *384*
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R *v* Inner London Education Authority, ex p Ali [1990] *The Times,* 21 February *307*
R *v* Inner London Education Authority, *ex p* Westminster City Council [1986] 1 WLR 28 *361*
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R *v* Insurance Ombudsman, *ex p* Aegon Life Assurance Ltd [1994] COD 426 *409*
R *v* Iqbal [2014] EWCA Crim 2650 *663*
R *v* Jefferson and Others [1994] 1 All ER 270 *607*
R *v* Jockey Club, *ex p* RAM Racecourses Ltd [1993] 2 All ER 225 *410*
R *v* Johnson [1997] 1 WLR 367 *630*
R *v* Jones [2006] UKHL 16; [2006] 2 All ER 741 *531*
R *v* Jordan [1967] Crim LR 483 *111*
R *v* K [2008] EWCA Crim 185; [2008] QB 827 *659*
R *v* Keogh [2007] EWCA Crim 528 *527, 637*
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R *v* Land [1998] 1 All ER 403 *627*
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R *v* Mahroof [1989] 88 Cr App R 317 *608*
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R *v* Misra and Srivastava [2004] EWCA Crim 2375 *532*
R *v* Nangle [2000] All ER (D) 1638 *531*

R *v* New Statesman, *ex p* Director of Public Prosecutions [1928] 44 TLR 301 *631*
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R *v* North West Traffic Commissioners, *ex p* Brake [1995] NPC 167 *388*
R *v* NW [2010] EWCA Crim 404 *608*
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R *v* Penguin Books Ltd [1961] Crim LR 176 *623*
R *v* Perrin [2002] EWCA Crim 747 *622*
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R *v* Reading Crown Court, *ex p* Hutchinson [1988] QB 384 *176*
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R *v* Rimmington [2005] UKHL 63 *532*
R *v* Robinson [1993] Crim LR 581 *608*
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R *v* Saunders [1988] Crim LR 521 *563, 568*
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R *v* Secretary of State for the Environment, Transport and the Regions, *ex p* Holding and Barnes [2001] UKHL 23 *366*
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R *v* Secretary of State for Foreign and Commonwealth Affairs, *ex p* Lord Rees-Mogg [1994] QB 552; [1994] 1 All ER 457 *290*
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R *v* Secretary of State for Home Affairs, *ex p* O'Brien [1923] 2 KB 361 *394, 395*
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R *v* Secretary of State for the Home Department, *ex p* Bentley [1994] QB 349; [1993] 4 All ER 442 *291*
R *v* Secretary of State for the Home Department, *ex p* Chahal [1995] 1 All ER 658 *404, 491*
R *v* Secretary of State for the Home Department, *ex p* Cheblak [1991] 1 WLR 890; [1991] 2 All ER 319 *65*
R *v* Secretary of State for the Home Department, *ex p* Doody [1993] 3 WLR 154 *376*
R *v* Secretary of State for the Home Department, *ex p* Findlay [1985] AC 318 *359*
R *v* Secretary of State for the Home Department, *ex p* Fire Brigades Union [1995] 2 All ER 244; 2 AC 513 *288*
R *v* Secretary of State for the Home Department, *ex p* Gangadeen and *ex p* Khan [1998] 2 FCT 96; [1998] 1 FLR 762 *355*
R *v* Secretary of State for the Home Department, *ex p* Hargreaves [1997] 1 WLR 906; [1997] 1 All ER 397 *355*

R *v* Secretary of State for the Home Department, *ex p* Hosenball [1977] 1 WLR 766 *373, 404*
R *v* Secretary of State for the Home Department, *ex p* Khawaja [1984] AC 74 *348, 394*
R *v* Secretary of State for the Home Department, *ex p* McQuillan [1995] 4 All ER 400 *415, 500*
R *v* Secretary of State for the Home Department, *ex p* Muboyayi [1991] 3 WLR 442 *394*
R *v* Secretary of State for the Home Department, *ex p* Northumbria Police Authority [1988] 2 WLR 590 *277*
R *v* Secretary of State for the Home Department, *ex p* Phansopkar [1976] QB 606 *391*
R *v* Secretary of State for the Home Department, *ex p* Pierson [1998] AC 539 *59*
R *v* Secretary of State for the Home Department, *ex p* Ruddock [1987] 1 WLR 1482 *290, 405*
R *v* Secretary of State for the Home Department, *ex p* Stitt [1987] *The Times* 3 February *405*
R *v* Secretary of State for the Home Department, *ex p* Swati [1986] 1 WLR 477 *375, 387, 400*
R *v* Secretary of State for the Home Department, *ex p* Tarrant [1985] QB 251 *374*
R *v* Secretary of State for Social Services, *ex p* Association of Metropolitan Authorities [1986] 1 WLR 1; [1986] 1 All ER 164 *112, 172, 391*
R *v* Secretary of State for Social Services, *ex p* Child Poverty Action Group [1989] 3 WLR 1116 *388, 389*
R *v* Secretary of State for Trade, *ex p* Anderson Strathclyde plc [1983] 2 All ER 233 *233*
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R *v* Secretary of State for Transport, *ex p* Factortame Ltd (No. 2) [1991] 1 AC 603; [1991] 1 All ER 70 *43*
R *v* Secretary of State for Transport, *ex p* Factortame Ltd (No. 4) [1996] QB 404; [1996] 2 WLR 506 *321*
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R *v* Shayler [2002] UKHL 11 *636, 637*
R *v* Sheer Metalcraft Ltd [1954] 1 QB 586 *176*
R *v* Sheppard [2010] EWCA Crim 65 *611*
R *v* Skinner [1968] 2 QB 700 *352*
R *v* Skirving [1985] QB 819 *623*
R *v* Slough Justices, *ex p* Stirling [1987] Crim LR 576 *561*
R *v* Smith [2001] 1 WLR 1031 *532*
R *v* Smith [2002] EWCA Crim 683 *627*
R *v* Somerset County Council, *ex p* Fewings [1995] 1 WLR 1037; [1995] 3 All ER 20 *361*
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R *v* Spear, Boyd and Hastie [2001] 2 WLR 1692 *461*
R *v* Stanley [1965] 2 QB 327 *626*
R *v* Sussex Justices, *ex p* McCarthy [1924] 1 KB 256 *377*
R *v* Thames Magistrates Court, *ex p* Polemis [1974] 1 WLR 1371 *373*
R *v* Tisdall [1984] *The Times,* 26 March *633*
R *v* Trussler [1988] Crim LR 446 *568*
R *v* United Kingdom [2007] ECHR 87 *456*
R *v* Va Kun Hau [1990] Crim LR 518 *608*
R *v* Walsh [1988] Crim LR 449 *568*
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Raninen *v* Finland [1998] 26 EHRR 563 *444*
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Recovery of Medical Costs for Asbestos Diseases (Wales) [2015] UKSC 3 *31*
Rederiaktiebolaget Amphitrite *v* R [1921] 3 KB 500 *297, 298*
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Reeves *v* Metropolitan Police [2000] 1 AC 360 *316*
Reference *Re* Amendment of the Constitution of Canada [1982] 125 DLR (3rd) 1 *60, 61*

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Reklos and Davourlis *v* Greece [2009] ECHR 200 *466*
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Rybeku *v* Albania [2007] ECHR 1109 *446*
Rylands *v* Fletcher [1868] LR 3 HL 330 *301*
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Sabanchiyeva *v* Russia [2013] ECHR 757 *441*
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Salduz *v* Turkey [2008] ECHR 1542 *459, 565*
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Sanders *v* France [1996] ECHR 31401/96 *486*
Saoud *v* France [2007] ECHR 9375/02 *439*
SAS *v* France [2014] ECHR 43835/11 *475*
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Sarjantson *v* Humberside Police Chief Constable [2013] EWCA Civ 1252 *516, 591*
Sarwar and Ahmed *v* R [2015] EWCA Crim 1886 *659*
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Savage *v* South Essex Partnership NHS Foundation Trust [2008] UKHL 74 *516*
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Scoppola *v* Italy (No. 3) [2012] ECHR 126/05 *490*
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Scott *v* Pilliner [1904] 2 KB 855 *176*
Scozzari and Giunte *v* Italy [2000] 3 FCR 430; app 39331/98 *447*
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Secretary of State for Defence *v* Guardian Newspapers Ltd [1985] AC 339 *59, 633*
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Secretary of State for the Home Department *v* AF [2007] UKHL 46 *523*
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Secretary of State for the Home Department *v* E [2007] UKHL 47 *523*
Secretary of State for the Home Department *v* GG [2009] EWCA Civ 786 *664*
Secretary of State for the Home Department *v* JJ and Others [2007] UKHL 45 *664*
Secretary of State for the Home Department *v* Lord Alton of Liverpool [2008] EWCA Civ 443 *656*
Secretary of State for the Home Department *v* MB [2006] EWCA Civ 1140; [2007] UKHL 46 *526, 664*
Secretary of State for the Home Department *v* MB and AF [2009] UKHL 28; [2009] 1 All ER 643 *502*
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Shaughnessy *v* United States [1953] 345 US 206 *369*
Shaw *v* Director of Public Prosecutions [1962] AC 220 *623, 629*
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Sheriff of Middlesex Case [1840] Ad & E 273 *246*
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Short *v* Poole Corp [1926] Ch 66 *360*
Shrewsbury and Atcham BC *v* Secretary of State for Communities and Local Government [2008] EWCA Civ 148 *277*
Sigurjonssen *v* Iceland [1993] 16 EHRR 462 *484*
Silih *v* Slovenia [2007] ECHR 537 *460*
Simmenthal SpA *v* Italian Minister for Finance [1976] ECR 1871 *121*
Simpson *v* Chief Constable of South Yorkshire [1991] 135 SJ 383 *557*
Sirros *v* Moore [1975] QB 118 *301*
Slimani *v* France [2004] ECHR 396 *434*
Slyusarev *v* Russia [2010] ECHR 619 *442*
Smith *v* Chief Constable of Nottinghamshire [2012] EWCA Civ 161 *316*
Smith *v* Chief Constable of Sussex Police [2008] EWCA Civ 39 *318*
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Söderman *v* Sweden [2013] ECHR 5786/08 *466*
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Spadea *v* Italy [1995] 21 EHRR 482 *488*
Sparks *v* Edward Ash Ltd [1943] KB 223 *175*
Sporrong *v* Sweden [1982] 5 EHRR 35 *488*
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Stenhouse *v* Legal Ombudsman and De La Pasture [2016] EWHC 612 (Admin) *716*
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Stogmuller *v* Austria [1980] 1 EHRR 155 *460*
Storck *v* Germany [2005] 43 EHRR 96 *429*
Stourton *v* Stourton [1963] P 302 *234*
Stovin *v* Wise [1996] AC 923; [1996] 3 All ER 801 *309, 310*
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Suleymanova *v* Russia [2010] ECHR 663 *431*
Sunday Times *v* United Kingdom [1979] 2 EHRR 245 *477, 480*
Surayanda *v* Welsh Assembly Minister [2007] EWCA Civ 893 *538*
Surrey County Council *v* P and others [2014] UKSC 19 *524*
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Tan Te Lam *v* Superintendent of Tai A Chau Detention Centre [1997] AC 97; [1996] 4 All ER 256 *348*
Tanis *v* Turkey [2005] ECHR 561 *436*
Tarariyeva *v* Russia [2007] ECHR 1096; 48 EHRR 26 *444*
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Taylor *v* Chief Constable of Thames Valley Police [2004] EWCA Civ 858 *557*
Taylor *v* Director of Public Prosecutions [2006] EWHC 1202 (Admin) *609*
Taylor *v* Lawrence [2001] EWCA Civ 119 *379*
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Thomas *v* Sawkins [1935] 2 KB 249 *604*
Three Rivers District Council *v* Bank of England (No. 2) [1996] 2 All ER 363 *232*
Three Rivers District Council *v* Bank of England (No. 3) [1996] 3 All ER 558 *322*
Times Newspapers Ltd (Nos. 1 and 2) *v* United Kingdom [20009] ECHR 451 *647*
Tims *v* John Lewis & Co Ltd [1952] AC 676 *556*
Tolstoy Miloslavsky *v* United Kingdom [1995] 20 EHRR 442 *480*
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Toussaint *v* Attorney General of St Vincent and the Grenadines [2007] UKPC 48 *232*
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Traghetti del Mediterraneo SpA *v* Italy [2006] All ER (EC) 983 *321*
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Tsavachidis *v* Greece [1999] ECHR 4 *420*
Tsfayo *v* United Kingdom [2009] 48 EHRR 18 *455*
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Valentine *v* Director of Public Prosecutions [1997] COD 339; Current Law, June 1977 *608*
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Van Duyn *v* Home Office [1974] ECR 1337 *91*
Van Ek and Jukes *v* Director of Public Prosecutions [2013] EWHC 195 (Admin) *595*
van Gend en Loos *v* Netherlands Fiscal Administration [1963] ECR 1; [1963] CMLR 105 *91*
Van Kuck *v* Germany [2003] 37 EHRR 973; [2003] ECHR 285 *464*
Varvara *v* Italy [2013] ECHR 17475/09 *463*
Vasilyev (Vladimir) *v* Russia [2012] ECHR 28370/05 *444*
Vauxhall Estates *v* Liverpool Corp [1932] 1 KB 733 *104*
VC *v* Slovakia [2011] ECHR 1888 *466*
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Part 1

Fundamental principles

1 Introduction to constitutional and administrative law
2 The characteristics of the constitution
3 Sources of constitutional and administrative law

1 Introduction to constitutional and administrative law

Objectives

After reading this chapter you should:

1. Understand what a constitution is.
2. Recognise the difference between 'written' and 'unwritten' constitutions and the historical, cultural and social origins of the British constitution.
3. Understand the institutional terminology of the British constitution and the difference between central and local government.
4. Understand the constitutional development of the 'United Kingdom' and its principal elements.

What is a constitution?

Objective 1

In a purely formal sense a constitution consists of the laws, rules (e.g. conventions) and other practices which identify and explain:

(a) the institutions of government;

(b) the nature, extent and distribution of powers within those institutions;

(c) the forms and procedures through which such powers should be exercised;

(d) the relationship between the institutions of government and the individual citizen, often expressed in terms of a 'Bill of Rights'.

Hence, for example, the first three articles of the **Constitution** of the United States (1789) – the earliest and perhaps most revered of the modern world's written constitutions – provide for and specify the respective roles and powers of the **Congress** (**Art** I); the President (Art II); and the Supreme Court (Art III). The famous American Bill of Rights may be found in the same document in a series of later **amendments** to the original version written in 1787. Thus, for example, Amendment I provides that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the **right** of people peacefully to assemble, and to petition the Government for a redress of grievances.'

The British constitution

Objective 2

In the majority of nations, as in the United States, such constitutional prescriptions have been set down or 'codified' into a single written document. The constitution may be said, therefore, to exist in a physically tangible form. It is possible to go into a bookshop and buy a copy or to visit the museum or library where the original may be on display albeit closely guarded. This is not the case, however, in the **United Kingdom**. Here the constitution has simply evolved and been added to by Acts of Parliament, **judicial** decisions and the growth of constitutional **conventions** and other political practices. The United Kingdom does not have a constitution, therefore, in the narrow sense of a formal document in which all the fundamental rules relating to the process of government are articulated. For all practical purposes, however, it does possess a body of legal and other rules by which that process is regulated and does, therefore, have a 'constitution' in the functional sense.

For details of constitutional conventions, see Chapter 3.

The cultural dimension

Within the nation-state to which it applies, the constitution will usually be regarded as both the ultimate source of legitimacy and authority for the practice of government and as a framework for the application of that society's political beliefs concerning how the process of government should be conducted and by whom. Thus, except in those circumstances where a particular form of government has been imposed by force, perhaps by some external authority, a society's constitutional arrangements will, to a considerable extent, be a product of its **political culture**. Thus the constitution of the United Kingdom seeks to give expression and protection to many of the values and beliefs now generally associated with that form of government often referred to as liberal **democracy**. The values of liberal democracy may be summarised as freedom of thought, expression, association and assembly, and a preference for limited representative and responsible government according to which those in power are answerable:

(a) in regular **General Elections:** to a fully enfranchised adult population;

(b) on a day-to-day basis to a Parliament or representative assembly freely created by that electorate;

(c) in matters of law and **jurisdiction**, to an independent system of courts.

It follows that the authority and status of a constitution may usually be understood as having cultural as well as legal foundations. Hence, in addition to the legal duty of allegiance which it may impose, the constitution will be something which also attracts considerable respect and loyalty in a more personal sense. This will be so because the people in a particular society may often regard the constitution, or at least its physical manifestations – e.g. in the United Kingdom, the Monarch and Parliament – as part of their cultural heritage and identity.

Where it exists this sense of cultural affinity with the nation's constitutional arrangements will usually contribute to the general level of political stability and order. Perversely, however, this may make the constitution more difficult to change, at least in any abrupt or substantial way, as people tend to be more 'comfortable' with that with which they are familiar. This may help to explain, to some extent, the tensions experienced in recent times in the United Kingdom concerning the constitutional implications of greater European integration.

Given the usual close relationship between a constitution and the political culture which it mirrors, it is axiomatic that few constitutions are static or immutable. As a society's expectations and beliefs concerning the process of government evolve, so must its constitution respond and develop. Otherwise it atrophies and becomes increasingly irrelevant to prevailing social and political attitudes. This in turn may lead to dissension and conflict over the validity of the very arrangements through which such dissent is supposed to be channelled and resolved.

Distinguishing between constitutional law and administrative law

Constitutional law deals with the legal foundations of the institutional hierarchy through which the **state** is governed. It concentrates in particular on the rules, both legal and conventional, which explain and regulate the composition, powers, immunities, procedures of, and relationships between, those institutions – hence, for example, the subject's concern with the composition, workings and powers of Parliament, the legal authority and immunities of the executive, and the balance of legal and political power between the two.

Constitutional law also seeks to delineate those individual rights which, according to cultural traditions, are the inalienable attributes of a genuinely free society and upon which the state should not transgress except where an overwhelming **public interest** so requires (e.g. the defence of the realm). Such rights would include the freedom of the person (i.e. from arbitrary **arrest** and detention), freedom of association and assembly, and freedom of speech. These matters are now defined and set out in the Human Rights Act 1998.

Administrative law, on the other hand, directs greater attention to the control and regulation of government power by both **public** and **private law** and through the workings of the various **extra-judicial** appeals and complaints procedures created in recent times to supplement the judicial and political mechanisms for dealing with individual grievances against the state. Central to the subject, therefore, is the process of **judicial review**, whereby alleged government excesses may be brought before the courts and condemned as abuses of power and of no legal effect. The subject also deals, **inter alia**, with the jurisdiction and workings of **statutory tribunals** and inquiries which deal largely with appeals against decisions made by central and local government officials, and with the activities of the increasing number of 'ombudspersons' or complaints commissioners dealing with allegations of 'maladministration' in the public services and the execution of **public policy**.

For the law and procedure of judicial review, see Chapters 14–15.

The terminology of constitutional and administrative law

Objective 3

Not all of those who come to the study of constitutional and administrative law for the first time will be entirely familiar with its language and terminology. Thus, for example, difficulty may be found in giving exact definition to, and distinguishing between, such concepts as the **Crown**, the **Monarch**, the **government**, Parliament, etc. Such conceptual problems are understandable as not all of these are capable of being given entirely distinctive and particular meanings. It is hoped, however, that the text that follows will help to dispel some of these uncertainties and make for greater comprehension of the institutional context in which the subject operates.

The Monarch

This is the person who occupies the throne and who, by virtue of which, is recognised by law and tradition as Head of State. For many years the right of succession to the throne currently was determined both by traditional hereditary principles (i.e. is reserved to the eldest male heir and, in the absence of which, to the eldest female) and by conditions laid down by Parliament in various enactments – principally the Act of Settlement 1700. This provided that in the absence of any issue by Queen Anne (1701–14), the right of succession should be confined to the Princess Sophia of Hanover 'and the heirs of her body being protestants'. It was by virtue of this enactment that the first of the Hanoverian monarchs, George I (1714–27), succeeded to the throne after Queen Anne's death.

The Succession to the Crown Act 2013 contained provisions seeking to bring to an end the rule giving precedence in the right of succession to the Monarch's male heirs. The effect of the Act is that, henceforth, succession to the throne will depend on age and relationship to the sitting Monarch, without the reference to gender (s 1). Other major provisions of the Act are as follows:

1 A person is not disqualified from succession to the throne as a result of marriage to a Roman Catholic (s 2);

2 The Royal Marriages Act 1772, requiring the Monarch's consent to the marriage of any person in the first six positions of the line of succession, is repealed.

The 2013 Act leaves in place the rule that succession to the throne is limited to confessing members of the Anglican Church (Act of Settlement 1700, s 3).

As Head of State, the executive, legislative and judicial functions of government are all performed in the Monarch's name and by his or her appointees. The Prime Minister and other Members of the government are the King or Queen's Ministers. Law is made by the King or Queen in Parliament, i.e. with the consent of the **House of Commons**, Lords and Monarch. The same law is administered in the Royal Courts of Justice by the King or Queen's judges.

More will be said about the constitutional role and status of the Monarch in Chapter 2.

In this personal sense, it is still accepted that 'the King can do no wrong'. Hence the Monarch may not be prosecuted for any criminal offence or sued for breach of any civil obligation.

The Crown

As the following quotation explains, the term has been given various meanings.

> The expression 'the Crown' may sometimes be used to designate Her Majesty [**HM**] in a purely personal capacity. It may sometimes be used to designate Her Majesty in Her capacity as Head of the Commonwealth. It may sometimes be used to designate Her Majesty in Her capacity as the **constitutional Monarch** of the United Kingdom . . . The expression may sometimes be used in a somewhat broad sense in reference to the functions of government and the administration. It may sometimes be used in reference to the **Rule of Law** . . . The case for the prosecution is the case for the Crown (*per* Lord Diplock, ***Town Investments Ltd* v *Department of the Environment*** [1978] AC 359).

For all practical purposes, however, and in terms of everyday usage and understanding, it is the fourth of these meanings which should be preferred. Thus when 'the Crown' is spoken of in constitutional law, this is normally for the purpose of referring to all those institutions and, in particular, central government departments and those who work within them (**civil** or 'Crown' **servants**), who are responsible for managing public affairs at a national level.

> Where . . . we are concerned with the legal nature of the exercise of executive powers of government, I believe that some of the more Athanasian-like features of the debate in your Lordships' House could have been eliminated if instead of speaking of 'the Crown' we were to speak of the 'government' – a term appropriate to embrace both collectively and individually all the Ministers of the Crown and parliamentary secretaries under whose direction the administrative work of government is carried on by the civil servants employed in the various government departments . . . Execution of acts of government that are done by any of them are acts done by 'the Crown' in the fictional sense in which that expression is now used in English public law (*ibid*).

In this institutional rather than personal sense, the Crown is a 'corporation sole'. This means that, unlike the Monarch, it has a definable legal capacity and may sue and be sued in the ordinary courts of law.

The Sovereign

The word '**Sovereign**' is employed, generally, in one of two senses. First, it may be used as a synonym for the Monarch – i.e. the person who, in purely legal terms, is at the apex of the constitutional pyramid. In this sense the word denotes little in terms of legislative or actual political power, but much in terms of status and symbolism. Second, it is also frequently used to mean that which in terms of legal or political authority has no superior. Hence, in the United Kingdom, Parliament has long been regarded as the 'sovereign' law-making body – i.e. the law as made by Parliament prevails over all other legal rules whatever their source. In the political sense, however, it is often said that it is 'the people' who are sovereign, i.e. the legislative power of Parliament and the authority of the government is derived from the 'will' of the people as expressed through the ballot box.

The state

English constitutional law contains no exact or fixed definition of the above term. Once again, therefore, a variety of meanings may be attributed to it.

It may be used, for example, to describe the geographical entity over which the institutions of government of a particular society exercise independent political authority. In this sense the state which is referred to as the United Kingdom would be said to consist of England, Wales, Scotland and Northern Ireland.

Alternatively, the word may be used to characterise the entire structure of institutions and organisations through which a particular society is regulated and protected.

> The state is the whole organisation of the body politic for civil rule and government – the whole political organisation which is the basis of civil government. As such it certainly extends to local and . . . statutory-bodies in so far as they are exercising autonomous rule (*per* Lord Simon, ***D* v *National Society for Prevention of Cruelty to Children*** [1978] AC 171).

The realm

The fact that the concept of the state does not have any great political or legal significance in the language of English constitutional law is largely due to historical factors and to the ancient nature of the institutions around which the constitution has developed. Just as these have survived, so has the language of those earlier times in which such institutions were founded. Hence, according to what may be called the language of tradition, the territory over which the King or Queen (now the Crown in the form of the central government)

exercised political power by right of succession and/or battle was properly referred to as 'the realm'. In constitutional law, therefore, the term has a similar meaning to that of 'the state' when the latter is used to describe the area over which the government has authority.

The government

This is yet another term capable of various meanings. It may be used, for example, as a collective noun for all those who hold Ministerial office at any particular time. These will all be persons with seats in the House of Commons (**HC**) or House of Lords (most in the Commons). The number of Ministers of which any government may consist is not fixed, but will usually be in the region of 100 to 130. These will range from the heads of major departments ('**Secretaries of State**'), to second-rank Ministers, usually referred to as 'Ministers of State', down to the more junior Ministers with titles such as 'Under Secretaries of State' or 'Parliamentary Secretaries'.

The 'government', in this sense, should not be confused with the political party which 'won' the last General Election and holds a majority of the seats in the House of Commons. Hence, after the 2015 General Election, the party 'in power' was the Conservatives with 331 MPs and an overall majority of 12. Those given Ministerial office by Mr Cameron became members of the government. Those not chosen remained merely **backbenchers** of the parliamentary **Conservative party**.

The word 'government' is also sometimes given a more extensive meaning which includes all of those institutions and persons at a national level who are concerned with the making and execution of policy. In this sense the term is not dissimilar to the institutional meaning of 'the Crown' and would encompass all those Ministers and civil servants who comprise the central administration.

Government also has a functional meaning in that it may be used to refer to the process through which the nation's affairs are regulated and protected. In this sense government means an activity rather than a particular combination of individuals or institutions.

The Cabinet

This refers to that group of senior Ministers (usually 20 to 24) who meet weekly or twice weekly with the Prime Minister to determine government policy and action. Most of these will be the heads of major government departments (e.g. Foreign Secretary, **Chancellor of the Exchequer**, Secretary of State for the Home Department). Others will have responsibility for a variety of activities which must be discharged effectively if the government is to survive and prosper. Hence the **Cabinet** will usually include Ministers with responsibility for managing government business in the House of Commons (**Leader of the House** of Commons) and in the House of Lords (Leader of the House of Lords). The Deputy Prime Minister and the Chief Secretary to the **Treasury** would also expect to be given Cabinet positions.

The executive

This is a term used collectively to refer to all those institutions and persons concerned primarily with the implementation of law and policy. Hence all central and local government departments would generally be included as would the police and the armed forces. Precluded from the definition are all those engaged in making law as opposed to enforcing it. Hence it would be improper to regard Parliament or the judiciary as falling within the term's usual meaning.

The legislature

When the term is used in domestic constitutional and administrative law, normally it may be understood as referring to the Parliament. For the purposes of enacting legislation the Parliament of the United Kingdom consists of the House of Commons, the House of Lords and the Monarch.

Not all law in the United Kingdom is made by Parliament. Many important legal rules are made by the judges and become part of the **common law**. Others are made by government Ministers and local authorities under powers Parliament has delegated to them (delegated or subordinate legislation). In the context of their law-making functions, neither the judges, Ministers nor local authorities should be understood as parts of the legislature.

The judiciary

Traditionally, in the United Kingdom, the term 'judiciary' was accepted as referring to all those employed to preside over a court of law at whatever level within the established legal system. Currently, therefore, and according to this approach, the domestic judiciary would consist of: District Judges (County and Magistrates' Courts), Circuit Judges (Crown Courts), High Court Judges, Lords Justices of Appeal (Court of Appeal), and the Justices of the Supreme Court.

Consequent, however, on the growth and proliferation of the modern system of administrative tribunals, and their increased importance in terms of the official process for the resolution of disputes, many would now probably regard the above definition as unduly restrictive. It is likely, therefore, that many of those taking this approach would regard the judiciary as properly extending to those senior presiding officers and chairpersons operating professionally within the tribunal system. These would include the Senior President of Tribunals and the Presidents of the various Chambers within the Upper and First Tier tribunals. These are appointed from the ranks of existing High Court judges or through open selection by the Judicial Appointments Board.

For the current system of statutory tribunals and inquiries, see Chapter 22.

Local government

Local government in England and Wales is the responsibility of the elected **councils** which direct the affairs of the various county, district and 'unitary' authorities in their provision of essential public services. Such authorities are created by and receive their powers from Acts of Parliament. The employees of local authorities are paid out of local funds and are not civil or crown servants.

Local authorities are funded by local taxation ('**council tax**'), government grants and through borrowing. In strict constitutional terms, such authorities are not under the direct control of central government. The latter does, however, exercise considerable influence over local government affairs through various statutory procedures, including the inspection of local government services, the requirements for Ministerial consent prior to the implementation of certain decisions (e.g. the application of a **compulsory purchase** order or the closure of a school), the issuing of directions to authorities not fulfilling their statutory obligations and the power to assume responsibility for certain local government functions should an authority be found to be 'in default' (see Education Act 1944, s 199). The central government may also seek to exert its will through its control of Treasury grants to local authorities and its ultimate, albeit seldom used, power to withhold moneys where dissatisfied by the standards of service provided by a particular authority.