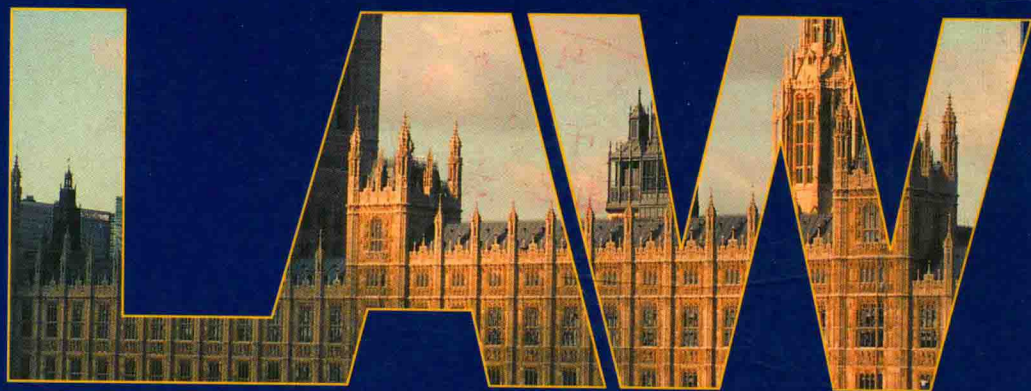


CONSTITUTIONAL & ADMINISTRATIVE



THIRD EDITION

Hilaire Barnett



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Third Edition

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PREFACE

The United Kingdom's constitution, while of ancient origins, remains both dynamic and vibrant. As every public lawyer is only too aware, nowadays, the proper boundaries of constitutional and administrative law are both increasingly wide and subject to debate. In compiling any textbook on this subject, one of the principal preliminary tasks lies in defining the scope of material to be included and the approach to be adopted in relation to that material. The task of writing is made more problematic by the many and varied depths in which, and the means by which, the subject is taught both in the United Kingdom and overseas. Full time students; part time students; students on long distance learning programmes such as the University of London's Programme for External Students and students combining both constitutional and administrative law within a one year course, all have differing needs. The aim in this book has been to provide sufficient detail to meet all such needs in a user-friendly manner.

As emphasised in the introductory chapters, the study of the United Kingdom's constitutional and administrative law involves rather more than a learning of rules of law, and necessarily encompasses – over and above an understanding of legal rules – an understanding of history, government, politics and conventional practices which form the foundations of the contemporary constitution. As a result, any constitutional and administrative law textbook must incorporate sufficient information relating to such matters so as to enable students to view the constitution in its historical, political and conventional context. In this work, I have addressed the subject in this manner in order to provide a rounded, contextual explanation of the United Kingdom's constitution, which goes beyond pure law while also adequately covering the law.

The 1998 second edition was published against a background of significant constitutional reform introduced by the Labour government elected in 1997. Two years on, many of the proposals have become law: the House of Lords has undergone its first stage of reform, the Human Rights Act 1998 is about to come into effect in England (having become effective in Scotland in 1998) and devolution to Scotland and Wales has been implemented.

As previously, the text is divided into seven main parts. Part I provides a general introduction to the scope of constitutional law, the sources of the constitution and the structure of the United Kingdom. In Part II, the fundamental concepts of the constitution are considered: the rule of law, separation of powers, the royal prerogative and parliamentary sovereignty. In Part III, the European Union and Community is discussed. The material is divided into two chapters. Chapter 8 considers the evolution, aims and structure of the Union and Community and the principal institutions and their respective powers. In Chapter 9, the sources of Community law and the relationship between national and Community law are discussed.

In Part IV, the structure of government is discussed, Chapter 10 considering the role of Prime Minister, Cabinet and the Civil Service, Chapter 11 discussing the concept of responsible government and ministerial responsibility and Chapter 12 the devolution of power to the Northern Ireland Assembly, Scottish Parliament and Welsh Assembly and local government.

Part V is devoted to the United Kingdom Parliament: 'Westminster'. Chapter 13 discusses the electoral system, Chapter 14 introduces students to the House of Commons. Chapters 15 and 16 are devoted to parliamentary procedures for the scrutiny of legislative proposals and scrutiny of government administration. The House of Lords, its role, functions and the current reform proposals are considered in Chapter 17. Parliamentary privilege is discussed in Chapter 18. Notwithstanding the devolution of powers to regional and local government, Westminster remains technically sovereign in its law making powers and central to ensuring the accountability of the United Kingdom government to the electorate. Nevertheless, the impact of devolution and other constitutional reforms – most notably the Human Rights Act 1998 – is considerable, and introduces new restraints on the scope of Parliament's powers, an issue addressed in Chapter 15 in relation to the legislative competence of Parliament and also Chapter 7 which addresses the concept of sovereignty.

Part VI focuses on the individual and the State. The materials on civil liberties are organised into three separate chapters. The protection of human rights under the European Convention is discussed in Chapter 22, as is the incorporation of the Convention into domestic law, and its constitutional significance. The subject of State security is discussed in Chapter 23.

Part VII introduces administrative law. Judicial review of administrative action comprises two chapters, the first dealing with the role and scope of judicial review and procedural matters; the second analysing the grounds for judicial review. The complementary role, functions and powers of Commissioners for Administration are considered in Chapter 26.

This third edition could not have been prepared so effectively without the help of colleagues. My thanks are due once more to Bob Burns, the Law Librarian at Queen Mary and Westfield College for his patience and help, and to Jules Winterton of the Institute of Advanced Legal Studies. Thanks go also to my colleagues Joanne Scott and Ian Yeats for their constructive contributions to various chapters, and to Richard Stone of the Inns of Court School of Law for his helpful comments and suggestions. Special thanks to Robert Jago, without whose energetic and valued contribution this edition could not have been produced in time. As before, the usual disclaimer applies – any errors remain my sole responsibility. Repeated thanks are also due to Jo Reddy, Sonny Leong and their team at Cavendish Publishing, with whom as before, it has been a pleasure to work.

Preface

I would also like to thank all the students, past and present – both at home and, particularly, in the Far East – who, over the years, have deepened my understanding of the difficulties they face in studying such a rich, varied and essentially protean subject as that of the constitution of the United Kingdom. Family and all friends are again owed a large and unquantifiable debt of gratitude, not just for all their support, but also for allowing me the necessary time and solitude in which to complete this text.

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HK (An Infant), Re [1967] 2 QB 617	1083
Halford v Sharples [1992] 1 WLR 736	424
Halford v United Kingdom (Case 73/1996/692/884) [1997] IRLR 471; The Times, 26 June; The Times, 3 July	907, 959
Halfpenny v IGE Medical Systems Ltd (1999) The Times, 4 January, CA	744
Hall and Co Ltd v Shoreham-by-Sea Urban District Council and Another [1964] 1 WLR 240	1052, 1053
Hamar v Pensions Ombudsman (1997) The Times, 24 March	1104
Hamer v United Kingdom Appl 7114/75, Report of 13 December; (1981) D & R 24	917
Hamilton v Hencke; Greer v Hencke (1995) unreported, 21 July	691, 692
Hammersmith and Fulham LBC v Jesuthasan (1998) The Times, 5 March	744
Hammersmith and Fulham London Borough Council v Department of the Environment [1990] 3 All ER 589; [1991] 1 AC 521	1015
Hampson v Department of Education and Science [1991] AC 171	735
Handyside v United Kingdom (1976) 1 EHRR 737	912
Hanratty v Lord Butler (1971) 115 SJ 386	186
Hardie v City of Edinburgh Council 2000 SLT 130	1088
Harman and Hewitt v United Kingdom (1989) 14 EHRR 657	905
Harris v Minister of the Interior (1952) (2) SA 428 (South Africa)	80, 243, 248, 249
Harris v Sheffield United Football Club Ltd [1987] 2 All ER 838	798
Harz v Deutsche Tradax GmbH [1984] ECR 1921	331
Hashman and Harrup v United Kingdom (1999) The Times, 1 December; [2000] Crim LR 185	914, 915
Hayes v Malleable EMC [1985] ICR 703	742
Hazell v Hammersmith London Borough Council [1992] 2 AC 1	508, 513, 519, 1041
Hector v Attorney General of Antigua [1990] 2 AC 312	82
Henn and Darby v Director of Public Prosecutions [1981] AC 850	315, 323, 338