

CONSTITUTIONAL  
AND  
ADMINISTRATIVE  
LAW

TEXT & MATERIALS

DAVID POLLARD  
DAVID HUGHES

BUTTERWORTHS

# CONSTITUTIONAL AND ADMINISTRATIVE LAW

## Text and Materials

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## PREFACE

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The two authors have several reasons for producing this work. First, a sufficient reason, although not good, is the immense pressure on resources continually felt by all law schools. The underfunding of law teaching – a cause for sorrow which looks to continue – means that even if the libraries provided for law schools were large enough to accommodate the ever-growing numbers of law students, there could not be a sufficiency of monographs, statutes, law reports and other essential source materials to meet the legitimate requirements of such students. Furthermore, as the authors believe they will demonstrate in the following pages, the student of Constitutional and Administrative Law must seek as his or her sources not merely the traditional food of statutes and judicial decisions of the United Kingdom. The student must become aware of and use legal materials from the Commonwealth and other jurisdictions, especially materials emanating from the institutions of the European Communities, and must become aware of and use non-legal materials, especially official publications, such as House of Commons and Command Papers and statements in Parliament. Many of these materials may simply not exist in some law school libraries. The law student of today, accordingly, must look to source books which can be used in the lecture room and in places of study and residence. A further reason for the creation of this particular work emerges from an educational need of so many of today's law students. Constitutional and Administrative Law is a 'core' subject and can be a popular one. However, many students are often denied the satisfaction of a thorough understanding of the subject because of a lack of knowledge of British constitutional history and political life, especially if they come from countries where such subjects do not form part of the school curriculum. We have, therefore, produced a work, of a particular (perhaps peculiar) nature, designed to fulfil certain fundamental views we both have on the nature and teaching of Constitutional and Administrative Law.

First, the work reflects our belief that Constitutional and Administrative Law can only be studied and understood within the context of its historical development and its current political environment. Second, the content has been largely determined, as a result of a survey, by what we consider to be the 'common core' or highest common denominator of courses on Constitutional and Administrative Law in the law schools. There is not, as yet, a national curriculum and arrangements for teaching the subject vary from law school to law school.

## *Preface*

However, there is a recognisable irreducible basic course content, and this we have tried to reflect. Third, because of our view that this work should be a portable library, we have decided that it is preferable, on the whole, to reproduce generous extracts of material from a reasonable number of sources. In this way the student may be guided to understand principles rather than mere series of facts, and it is possible to do justice to the arguments of the authors from whose works we have selected. Fourth, we have written the introductory text and selected the source materials with the needs of first year law students in mind. This means that there must be adequate explanatory background to the academic rigour which we wish to encourage, and that both introductory text and the source materials must be presented, if we may descend to modern language, in a 'user-friendly' manner. The introductory statements at the start of each chapter are not to be thought of as a comprehensive text on Constitutional and Administrative Law. They are written as introductory essays highlighting central issues and problems, guiding students through the pages which follow, and arousing a spirit of inquiry. Wherever possible, we have separated comment from materials in order to allow the materials to stand in their own right as usable sources. Finally, we hope that the text and materials will create an enthusiasm to delve deeper into the subject and, for this reason, each chapter concludes with a selection of further reading. We realise that some 'favourites' have been discarded and that not every topic contained in a traditional text on Constitutional and Administrative Law has been included: however, life is too short, students' pockets are not that deep and the world's stock of trees is limited. We believe that the essence, nay more than the essence, of what the first year law student both will need and may comprehend is to be found in this volume.

David Pollard and David Hughes  
Saint George's Day 1990

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