

Cases & Materials on
**CONSTITUTIONAL &
ADMINISTRATIVE LAW**

Michael Allen & Brian Thompson

**6th
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CASES AND MATERIALS ON

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&

ADMINISTRATIVE LAW

Sixth Edition

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PREFACE

This edition comes two years after the previous edition, but despite the short space of time involved there has been a considerable amount of activity of constitutional significance. This has occurred mainly as measures in the Labour Government's reform programme begin to take effect, but also as the courts have handed down numerous decisions of constitutional import.

As a result of these changes, most chapters have had new material added, and several have been subjected to major revisions. New material includes, *inter alia*, the developments in the devolution of legislative and administrative powers to Scotland, Northern Ireland and Wales; decisions of both English and Scottish courts examining the implications arising from the enactment of the Human Rights Act 1998; decisions in administrative law on bias in natural justice and on substantive legitimate expectations; and, in Parliament, proposals on how to deal with contested breaches of the MPs' Code of Conduct and the differing views of the Government and backbenchers on appointments to select committees.

As before, we wish to thank the team at Blackstone Press for all their assistance, support and hard work in turning our scrappy manuscript into a book in such a short space of time.

*Michael Allen
Brian Thompson
July 2000*

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C. Scott, ‘Accountability in the Regulatory State’ (2000) 27 *Journal of Law and Society* 38

D. Beetham:

The Legitimation of Power (1991, Macmillan Press Ltd).

‘Key Principles and Indices for a Democratic Audit’ in Beetham (ed), *Defining and Measuring Democracy* (1994, Sage Publications Ltd).

Lord Bingham of Cornhill:

‘The Courts and the Constitution’ (1996/97) 7 *King’s College Law Journal* 12.

‘The European Convention on Human Rights: Time to Incorporate’ (1993) 109 *Law Quarterly Review* 390.

V. Bogdanor: *Introduction to Constitutions in Democratic Politics* (1988, Ashgate Publishing Limited).

Butterworth & Co. (Publishers) Ltd:

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Cases reported in the *All England Law Reports*.

Richard Buxton: 'The Human Rights Act and Private Law' (2000) 116 *Law Quarterly Review* 48.

H. Calvert: *Constitutional Law in Northern Ireland* (1968, Stevens & Sons and Northern Ireland Legal Quarterly).

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Cambridge University Press: Elster and Slagstad (eds), *Constitutionalism and Democracy* (1988).

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Centre for Public Law, University of Cambridge: *Constitutional Reform in the United Kingdom: Practice and Principles* (1998).

Charter 88:

A Written Constitution, <http://www.gn.apc.org/charter88/politics/written.html>

Anthony Lester Q.C., 'A Bill of Rights For Britain' (Manchester Papers), <http://www.gn.apc.org/charter88/pubs/manpaps/lester.html>

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The Constitution Unit, School of Public Policy, UCL: *Human Rights Legislation* (1996).

The Court of Justice of the European Communities, extracts from the *European Court Reports*.

P. Craig: 'Dicey: Unitary, Self-Correcting Democracy and Public Law' (1990) 106 *Law Quarterly Review* 105.

Dartmouth Publishing Co. Ltd: V. Bogdanor (ed), *Constitutions in Democratic Politics* (1988).

K.C. Davis: *Discretionary Justice* (1969, Louisiana State University Press). Reprinted by permission of Louisiana State University Press. Copyright © 1969 Louisiana State University Press.

C. Dewing and S. Watson: Sir Ivor Jennings, *The Law and the Constitution* (5th edn., University of London Press Ltd).

- V.J. Duffy: Peter Duffy, Q.C.: 'The European Convention on Human Rights, Issues Relating to its Interpretation in the Light of the Human Rights Bill' in *Constitutional Reform in the United Kingdom: Practice and Principles* (1998, Centre for Public Law, University of Cambridge).
- S.E. Finer: S.E. Finer, *Comparative Government* (1970, Allen Lane, The Penguin Press).
- C.J. Friedrich: *Limited Government: A Comparison* (1974, Prentice Hall Inc.).
- W. Green, The Scottish Law Publisher: extracts from *Scots Law Times*.
- J.A.G. Griffith & M. Ryle: *Parliament: Functions, Practice and Procedures* (1989, Sweet & Maxwell Ltd.).
- Lord Hailsham of St. Marylebone: *The Dilemma of Democracy* (1978, Collins).
- The Hansard Society for Parliamentary Government: *Making the Law* (1993).
- C. Harlow and the Modern Law Review Ltd, C. Harlow: 'Ombudsmen in Search of A Role' (1978) 41 *Modern Law Review* 446.
- K.H. Hendry: 'The Tasks of Tribunals: Some Thoughts' (1982) 1 *Civil Justice Quarterly* 253.
- R.F.V. Heuston: *Essays in Constitutional Law* (2nd edn, 1964, Stevens & Sons Ltd).
- M. Hunt: 'The "Horizontal Effect" of the Human Rights Act' [1998] *Public Law* 423.
- The Incorporated Council for Law Reporting for England and Wales: extracts from the Law Reports and the Weekly Law Reports.
- Lord Irvine of Lairg:
'Constitutional Reform and a Bill of Rights' [1997] *European Human Rights Law Review* 483.
- The Tom Sargent Memorial Lecture, 'The Development of Human Rights in Britain under an Incorporated Convention on Human Rights' 16 December 1997.
- Address to the 3rd Clifford Chance Conference on the Impact of a Bill of Rights on English Law, 28 November 1997.
- 'Activism and Restraint: Human Rights and the Interpretative Process' [1999] *European Human Rights Law Review* 350.
- D. Judge: *The Parliamentary State* (1993, Sage Publications Ltd.) reprinted by permission of Sage Publications Ltd.
- S. Kentridge, Q.C.: 'The Incorporation of the European Convention on Human Rights' in *Constitutional Reform in the United Kingdom: Practice and Principles* (1998, Centre for Public Law, University of Cambridge).
- F. Klug, K. Starmer & S. Weir: *The Three Pillars of Liberty: Political Rights and Freedoms in the United Kingdom* (1996, Routledge).

F. Klug, R. Singh & M. Hunt: 'Rights Brought Home: a briefing on the Human Rights Bill with amendments' (1997, Human Rights Incorporation Project, King's College, London).

Sir John Laws: 'Law and Democracy' [1995] *Public Law* 81.

Liberty: *A People's Charter* (1991, NCCL).

Macmillan Press Ltd: *An Introduction to the Study of the Law of the Constitution* (10th edn.) by A.V. Dicey with an introduction by E.C.S. Wade. © Macmillan Press Ltd.

G. Marshall: 'Patriating Rights — With Reservations the Human Rights Bill 1998' in *Constitutional Reform in the United Kingdom: Practice and Principles* (1998, Centre for Public Law, University of Cambridge).

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P. McAuslan and J. McEldowney: *Law, Legitimacy and the Constitution* (1985, Sweet & Maxwell Ltd).

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C.H. McIlwain: *Constitutionalism: Ancient and Modern*, (1947, Revised Edition, Cornell University Press).

D.R. Miers & A.C. Page: *Legislation* (2nd edn, 1990, Sweet & Maxwell Ltd).

R. Miliband: *The State in Capitalist Society* (1969, Weidenfeld & Nicolson Ltd).

C. Munro: *Studies in Constitutional Law* (2nd edn 1999, Butterworths).

W.F. Murphy: 'Constitutions, Constitutionalism and Democracy' in D. Greenberg, S.N. Katz, M.B. Olivero & S.C. Wheatley (eds) *Constitutionalism and Democracy* (1993, Oxford University Press Inc., USA). Used by permission of Oxford University Press, Inc.

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H.L.A. Hart, *The Concept of Law* (1961);
C.B. Macpherson, *The Real World of Democracy* (1966);
G. Marshall, *Constitutional Theory* (1971);
G. Richardson and H. Genn, *Administrative Law and Government Action* (1994);
M.J.C. Vile, *Constitutionalism and the Separation of Powers* (1967);
K.C. Wheare, *Modern Constitutions* (2nd edn, 1966).
- A. Page: 'MPs and the Redress of Grievances' [1985] *Public Law* 1.
Random House Group Ltd: R. Dworkin, *Bill of Rights for Britain* (1990, Chatto & Windus Ltd).
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- R. Rawlings: 'Parliamentary Redress of Grievance' in C. Harlow (ed) *Public Law and Politics* (1986, Sweet & Maxwell).
- J. Raz: 'The Rule of Law and its Virtue' (1977) 93 *Law Quarterly Review* 195.
- C. Scott: 'Accountability in the Regulatory State' (2000) 27 *Journal of Law and Society* 38.
- The Scottish Council of Law Reporting: extracts from Session Cases.
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- Lord Steyn: 'Incorporation and Devolution — A Few Reflections on the Changing Scene' [1998] *European Human Rights Law Review* 153.
- The Estate of C.F. Strong, M.G. Clarke and Sidgwick & Jackson Ltd: C.F. Strong, *Modern Political Constitutions* (8th edn, 1972).
- Sweet & Maxwell Ltd: extracts from various articles in *Law Quarterly Review*, *Public Law* and *European Human Rights Law Review*, and extracts from *Common Market Reports*, *European Human Rights Reports* and *Criminal Appeal Reports*.
- Sir William Wade, Q.C.: 'The United Kingdom's Bill of Rights' in *Constitutional Reform in the United Kingdom: Practice and Principles* (1998, Centre for Public Law, University of Cambridge).
- G. Wilson: 'Postscript: The Courts, Law and Convention' in Nolan and Sedley, *The Making and Remaking of the British Constitution* (1997, Legal Research Institute, School of Law, University of Warwick).
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Nottinghamshire CC v Secretary of State for the Environment [1986] 1 AC 240	444, 674–7, 727
O'Reilly v Mackman [1983] 2 AC 237	626, 669, 670, 690, 701–3, 704, 705, 706, 707, 708, 710, 712, 721
Officier van Justitie v Kolpinghuis Nijmegen (Case 80/86) [1987] ECR 3969	167–9
Olsen v City of Camberwell [1926] VLR 58	451
Observer and Guardian, The v United Kingdom (1991) 14 EHRR 153	568–601
P. Bork International A/S v Foreningen af Arbejdsledere i Danmark (Case 101/87) [1989] IRLR 41	181

Padfield v Minister for Agriculture, Fisheries and Food [1968] AC 997	633–5, 637, 638, 688
Page v Hull University Visitor [1993] AC 682	724
Pell v Procurier (1974) 417 US 817	641
Pepper v Hart [[1993] AC 593	613
Phillips v Eyre (1870) LR 6 QB 1	210–11
Pickin v British Railways Board [1974] AC 765	74, 77–80, 95
Pickstone v Freemans plc [1989] AC 66	176–80, 182, 184
Piersack judgment of 1 October 1982, Series A No. 53	226
Port Louis Corporation v Attorney-General of Mauritius [1965] AC 1111	402
Practice Statement (Judicial Precedent) [1966] 1 WLR 1234	40, 184
President of the Republic of South Africa v South African Rugby Football Union 1999 (4) SA 147	653
Preston, Ex parte [1985] AC 835	687, 690
Pretore di Salò v X (Case 14/86) [1987] ECR 2545	169
Prince Albert v Strange (1849) 1 H & T 1	292
Prince's Case, The (1606) 8 Co Rep 1a	80
Pringle 1991 SLT 330	91
Proclamations Case (1611) 12 Co Rep 74; 77 ER 1352	68, 435
Prohibitions del Roy (1608) 12 Co Rep 63; 77 ER 1342 and the Proclamations Case (1611) 12 Co Rep 74	188, 435
Pubblico Ministerio v Ratti (Case 148/78) [1979] ECR 1629	157–8, 162
Pyx Granite Co. Ltd v Ministry of Housing and Local Government [1960] AC 260	708
R v Advertising Standards Authority Limited, ex parte The Insurance Service (1989) 133 SJ 1545	723
R v Army Board of the Defence Council, ex parte Anderson [1991] 3 WLR 42	662–6, 667
R v Attorney General, ex parte ICI plc [1997] 1 CMLR 72	718
R v BBC, ex parte Lavelle [1983] 1 WLR 23	719, 724
R v BBC ex parte Owen [1985] 2 All ER 522	636
R v Board of Visitors of HM Prison, The Maze, ex parte Hone [1988] 2 WLR 177	668
R v Board of Visitors of Hull Prison, ex parte St Germain (No. 2) [1979] 1 WLR 1401	659–61, 666, 667
R v Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No. 2) [2000] 1 AC 119	645–9, 654
R v Brixton Prison Governor, ex parte Soblen [1963] 2 QB 243	237
R v Chief Constable of Sussex, ex parte International Trader's Ferry Ltd [1999] 2 AC 418	636, 682–3
R v Chief Constable of the Merseyside Police, ex parte Calveley and others [1986] 2 WLR 144	728–30, 731
R v Civil Service Appeal Board, ex parte Cunningham [1991] 4 All ER 310	638
R v Code of Practice Committee of the Association of the British Pharmaceutical Industry, The Times, 7 November 1990	724
R v Commissioner for Racial Equality, ex parte Cottrell and Rothon [1980] 1 WLR 1580	661–2, 666, 667
R v Commonwealth Court of Conciliation and Arbitration, ex parte Whybrow & Co. 11 CLR 1, 27	453
R v Comr for Local Administration, ex parte Croydon London BC [1989] 1 All ER 1033	769, 779, 802
R v Comr for Local Administration, ex parte Eastleigh BC [1988] 3 All ER 151, [1988] QB 855	802
R v Criminal Injuries Compensation Board ex parte Lain [1967] 2 QB 864	435, 436, 441, 686, 721, 723
R v Dairy Produce Quota Tribunal, ex parte Caswell [1990] 2 AC 738	705

R v Deputy Industrial Injuries Commissioner, ex parte Moore [1965] 1 QB 456	644, 659, 690
R v Devon CC ex parte G [1988] 3 WLR 49	671
R v Devon County Council, ex parte Baker [1995] 1 All ER 73	690
R v Director of Public Prosecutions, ex parte Kebilene and Others [1999] 3 WLR 972	570–5
R v Disciplinary Committee of the Jockey Club, ex parte Aga Khan [1993] 1 WLR 909	724
R v Dover Magistrates' Court, Ex parte Pamment (1994) 15 Cr App R (S) 778	685
R v Ealing, Hammersmith and Fulham, and Camden LBC's, ex parte Times Newspapers [1985] 85 LGR 316	458
R v East Berkshire Health Authority, ex parte Walsh [1985] QB 152	724
R v East Sussex County Council, ex parte Tandy [1998] 2 All ER 769	636
R v Edwards [1975] QB 27	572
R v Electricity Commissioners, ex parte London Electricity Joint Committee Co. [1924] 1 KB 171	657, 658
R v Epping and Harlow General Commissioners, ex parte Goldstraw [1983] 3 All ER 257	729, 730
R v Essex Justices, ex p Perkins [1927] 2 KB 475 at 489, [1927] All ER Rep 393	654
R v Fisher [1980] AC 319	566
R v Gaming Board of Great Britain, ex parte Benaim and Khaida [1970] 2 QB 417	659
R v Governor of Brixton, Ex parte Armah [1968] AC 192	622
R v Gloucestershire County Council, ex parte Barry [1997] AC 584	636
R v Gough [1993] AC 646	646, 649–51, 779
R v Greenwich London Borough Council, ex parte Lovelace [1991] 3 All ER 511	633
R v Grice (1977) 66 Cr App R 167	685
R v Her Majesty's Treasury, ex parte Smedley [1985] 1 QB 657	40
R v Herbert [1990] 2 SCR 151	577
R v Higher Education Funding Council, ex parte Institute of Dental Surgery [1994] 1 All ER 651	638
R v Hillingdon London Borough Council, ex parte Royco Homes Ltd [1974] QB 720	729
R v HM Inspector of Pollution, ex parte Greenpeace Ltd (No. 2) [1994] 4 All ER 329	719
R v Horseferry Road Magistrates' Court, ex parte Bennett [1994] AC 42	202–4
R v Hull Prison Board of Visitors, ex parte St Germain [1979] 1 All ER 701, [1979] QB 425	670
R v Hull Prison Board of Visitors, ex parte St Germain [1979] QB 425	662
R v Hull Prison Visitors, ex parte St Germain (No. 2) [1979] 1 WLR 1401	667
R v Hull University Visitor, ex parte Page [1993] AC 682	689
R v Hunt (Richard) [1987] AC 352	572
R v ILEA, ex parte Westminster City Council [1986] 1 WLR 28	630–3
R v Immigration Appeal Tribunal, ex parte Jones [1988] 1 WLR 477	664
R v Independent Television Commission, ex parte T.S.W. Broadcasting Ltd, The Times, 7 February 1992	692
R v Inland Revenue Commissioners, ex parte M.F.K. Underwriting Agents Ltd [1990] 1 WLR 1545	689, 690
R v Inland Revenue Commissioners, ex parte National Federation of Self-Employed and Small Businesses Ltd [1982] AC 617	688, 708
R v Inland Revenue Commissioners, ex parte Preston [1985] AC 835	686, 729
R v Inland Revenue Commissioners, ex parte Rossminster Ltd [1980] AC 952	192–5
R v Inland Revenue Commissioners, ex parte Unilever Plc [1996] S.T.C. 681	686
R v Jockey Club, ex parte R.A.M. Rececourses Ltd [1993] 2 All ER 225	690
R v Killen [1974] NI 220	574
R v Legislative Committee of the Church Assembly, ex parte Haynes-Smith [1928] 1 KB 411	658

R v Lewes Justices, ex parte Secretary of State for the Home Department [1973] AC 388	289
R v Lewisham LBC, ex parte Shell UK Ltd [1988] 1 All ER 938	458
R v Liverpool Corporation, ex parte Liverpool Taxi Fleet Operators' Association [1972] 2 QB 299	400, 670
R v Local Commissioner, ex parte Eastleigh Borough Council [1988] 3 WLR 116	771-8
R v Local Commissioner for Administration for the North and East Area of England, ex parte Bradford Metropolitan City Council [1979] QB 287	773, 776
R v Local Government Commissioner for North and North East England, ex parte Liverpool City Council, The Times, 3 March 2000	769, 779
R v London Transport Executive, ex parte Greater London Council [1983] QB 484	37-8
R v Lord Chancellor, ex parte Witham [1998] QB 575	195, 444, 508
R v Lord Chancellor's Department, ex parte Nangle [1992] 1 All ER 897	724
R v Lord President of the Privy Council, ex parte Page [1993] AC 682	626
R v Lord Saville, ex parte A and Others [1999] 4 All ER 860	195, 509
R v M [1994] 1 AC 377	619
R v Ministry of Agriculture, Fisheries' and Food, ex parte Hamble (Offshore) Fisheries Ltd [1995] 2 All ER 714	686
R v Ministry of Defence, ex parte Smith [1996] 2 WLR 305, [1996] QB 517	508, 587, 678-81
R v Ministry of Defence, ex parte Smith	508, 587
R v Monopolies and Mergers Commission, ex parte Argyll Group plc [1986] 1 WLR 763	732-3
R v Monopolies and Mergers Commission, ex parte Matthew Brown plc [1987] 1 WLR 1235	665
R v National Joint Council for the Craft of Dental Technicians (Disputes Committee), ex parte Neate [1953] 1 QB 704	723
R v North and East Devon Health Authority, ex parte Coughlan [2000] 2 WLR 622	684-95
R v Paddington Valuation Officer, ex parte Peachey Property Corporation Ltd [1966] 1 QB 380	729
R v Panel on Take-overs and Mergers, ex parte Datafin plc [1987] QB 815	616, 720-3, 733
R v Parliamentary Commissioner for Administration, ex parte Balchin [1997] COD 146	779
R v Parliamentary Commissioner for Administration, ex parte Balchin No 2 (2000) 2 LGLR 87	779
R v Parliamentary Commissioner for Administration, ex parte Dyer [1994] 1 All ER 375	800-5
R v Port of London Authority ex parte Kynoch [1919] 1 KB 176	639
R v Rand (1866) LR 1 QB 230	646, 650
R v Registrar of Companies, ex parte Central Bank of India [1986] QB 1114	736
R v Reilly [1982] QB 1208	685
R v Rochdale Metropolitan Borough Council, ex parte Schemet [1993] 1 FCR 306	690
R v Sang [1979] 2 All ER 1222 esp at 1230, 1245-1246, [1980] AC 402	203
R v Secretary of State, ex parte Mughal [1974] QB 313	665
R v Secretary of State for Employment, ex parte Equal Opportunities Commission [1994] 2 WLR 409	155, 430-4
R v Secretary of State for the Environment, ex parte Brent LBC [1982] QB 593	401, 640
R v Secretary of State for the Environment, ex parte Hammersmith and Fulham London Borough Council [1991] 1 AC 521, [1990] 3 All ER 589	677, 678, 681
R v Secretary of State for the Environment, ex parte Kirkstall Valley Campaign Ltd [1996] 3 All ER 304	651