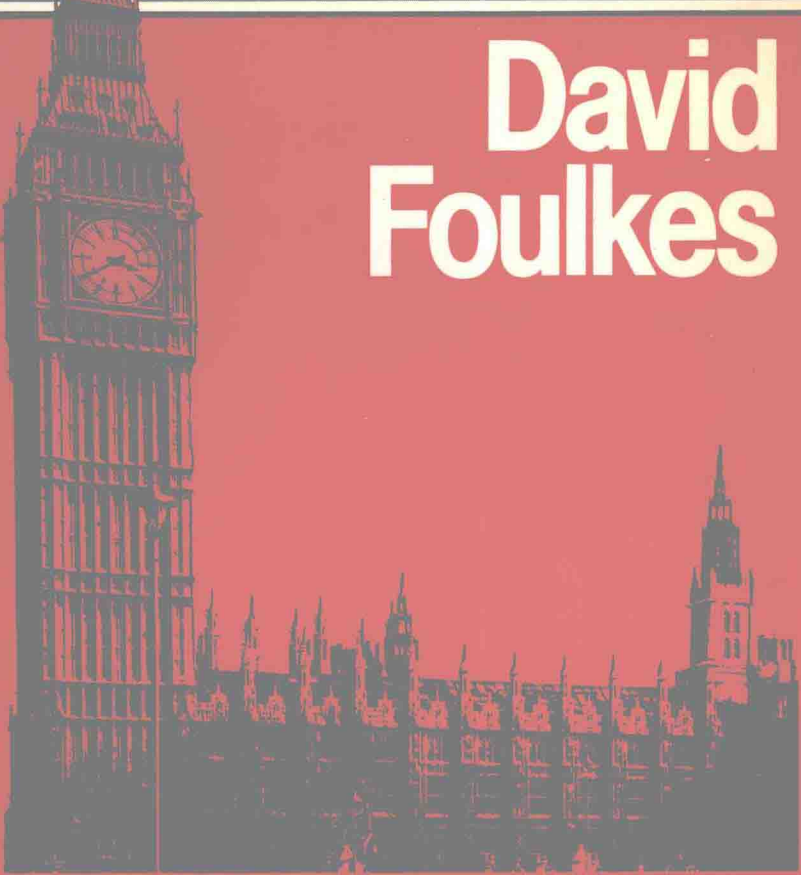




**David
Foulkes**

**Administrative
Law**

Fifth Edition

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Fifth edition

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Preface

This book was first published as *Introduction to Administrative Law* in 1964. By the time it reached its fourth edition, in 1976, it had increased considerably in size. When the question of a fifth edition arose the publishers and I agreed that the state of the subject and its acknowledged importance justified an attempt to provide a fresh and yet more extended look at the subject. This edition, without reference in its title to the book's introductory nature, is the result. Most of it is entirely new, though parts are carried over from the previous edition.

Chapter 1, as before, seeks to provide a brief historical and constitutional setting for the subject. Chapter 2 is new. It gives an account of some of the wide range of administrative authorities, selected in the light of issues dealt with later in the book and with a view to illustrating, for the purposes of administrative law, their variety of form and purpose and to showing how the institutions are given the legal shape necessary to meet administrative needs. The increasing use of the registered company in the public sector is referred to.

Chapter 3, 'Legislation and administration', deals principally with delegated legislation, but contains material on codes of practice, circulars etc. Chapter 4 contains what was previously in a chapter on inquiries only with an added emphasis on the administrative schemes of which inquiries form a part, and also has material on other administrative arrangements including consultation, public participation and various licensing procedures. Chapter 5 on tribunals, contains some new materials. This is generally regarded as a rather dreary topic, but is of considerable importance in the practice of the law and raises constitutional issues. A useful approach is that of the person having to evolve a new administrative scheme.

Chapter 6, on powers and their use, provides a much more extended account than in earlier editions of the ultra vires rule and other matters that can conveniently be considered with it. Chapter 7 considers the grounds on which the courts, exercising common law powers, will strike down a decision where the administration has misused its power.

Natural justice, or fairness, now gets a chapter to itself, as befits its importance. So does, though more briefly, the question of duty to give reasons.

Chapter 11, on judicial review of administrative action, deals with the prerogative orders of certiorari, prohibition and mandamus, and with the declaration and injunction. This topic is probably central to most courses in administrative law (even if 'peripheral' to the administrative process), and the coverage now given it here goes at least some way to recognising that. It is followed by a chapter on the statutory limitations on judicial review.

The material in the two chapters on contracts and tort has been completely reshaped and rewritten and much extended. It includes reference to related topics not previously dealt with here such as restitution, and a note on criminal liability. They are followed by a short chapter on public interest immunity, and the book ends with a chapter titled 'Ombudsmen, auditors and others': auditors have received inadequate attention hitherto; the 'others' provide a home for some other institutions which can be conveniently housed there.

The law is stated as at 30 September 1981, though it has been possible to add some later references at proof stage.

DLF
Cardiff
December 1981

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