

De Smith's Judicial Review

7th Edition

The Rt Hon the Lord Woolf

*Former Lord Chief Justice of England and Wales
President and founder of the International Civil and Commercial Court of Qatar
Judge of the Court of Final Appeal, Hong Kong
Mediator and Arbitrator, Blackstone Chambers*

Professor Sir Jeffrey Jowell QC

*Director of the Bingham Centre for the Rule of Law
Emeritus Professor of Public Law, University College London
Barrister, Blackstone Chambers*

Professor Andrew Le Sueur

*Professor of Constitutional Justice, School of Law, University of Essex
Barrister, Brick Court Chambers*

Catherine Donnelly

*Associate Professor and Fellow, Trinity College, Dublin
Barrister, Blackstone Chambers and Law Library, Dublin*

Ivan Hare

*Former Fellow of Trinity College Cambridge
Barrister, Blackstone Chambers*

SWEET & MAXWELL



THOMSON REUTERS

First Edition	1959
Second Edition	1968
Third Edition	1973
Fourth Edition	1980
Fifth Edition	1995
Sixth Edition	2007
Seventh Edition	2013

Published in 2013 by Sweet & Maxwell, 100 Avenue Road, London NW3 3PF part of Thomson Reuters (Professional) UK Limited (Registered in England & Wales, Company No 1679046.

Registered Office and address for service: Aldgate House, 33 Aldgate High Street, London EC3N 1DL)

For further information on our products and services, visit www.sweetandmaxwell.co.uk

Typeset by Letterpart Ltd, Reigate, Surrey

Printed and bound in the UK by CPI Group (UK) Ltd, Croydon, CR0 4YY.

No natural forests were destroyed to make this product; only farmed timber was used and re-planted.

A CIP catalogue record of this book is available for the British Library.

ISBN: 9780414042155

Thomson Reuters and the Thomson Reuters logo are trademarks of Thomson Reuters.

Sweet & Maxwell ® is a registered trademark of Thomson Reuters (Professional) UK Limited.

Crown copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, or stored in any retrieval system of any nature without prior written permission, except for permitted fair dealing under the Copyright, Designs and Patents Act 1988, or in accordance with the terms of a licence issued by the Copyright Licensing Agency in respect of photocopying and/or reprographic reproduction. Application for permission for other use of copyright material including permission to reproduce extracts in other published works shall be made to the publishers. Full acknowledgement of author, publisher and source must be given.

© 2013 Thomson Reuters (Professional) UK Limited

Preface

This book was begun by Stanley de Smith in the 1950s as a doctoral thesis and then published in 1959. De Smith set out its aims in his original Preface as follows:

“It is to be hoped that [this book] will be helpful to practitioners, to public administrators and their legal advisers, and to students and their teachers in England and elsewhere. And those students of government who are not lawyers may also find in it material that has a bearing on the larger issues inherent in the relationship between the Administration and the individual.”

De Smith’s book was the first in the United Kingdom to describe and analyse this field of law with coherence. It quickly established a groundbreaking reputation here and in the Commonwealth. Professor de Smith produced two further editions in 1968 and 1973. After de Smith’s untimely death, Professor John M. Evans (later Mr Justice Evans of the Federal Court of Canada) edited the 4th edition in 1980.

When two of the present authors (Woolf and Jowell) were asked to prepare a 5th edition of the work in the early 1990s, it soon became clear that the initial intention, which was merely to update the existing edition, was insufficient. Prompted by reforms to the procedures and remedies, and also by a changing intellectual climate, the 1980s and early 1990s saw dramatic changes in judicial review: the number of applications increased from a few hundred a year to several thousand; the judicial reasoning which creates the grounds for challenging the validity of governmental action grew in its sophistication; and there was by then a burgeoning academic literature about this area of law. The 5th edition of the work (ISBN 0420466207) was published in 1995 (with the assistance of Andrew Le Sueur) and consisted of a substantial restructuring and supplementation of the 1980 edition. A supplement, updating the 1995 text, was published in 1998 (ISBN 0421607904). An abridged version of the work, intended more as a student text, was published in 1999 under the title *Principles of Judicial Review* (ISBN 042162020X).

When work began on the 6th edition (with Le Sueur now a joint author and assisted by Catherine Donnelly and Ivan Hare: ISBN 0421690305, 9780421690301), we recognised that new work on the impact upon judicial review of the Human Rights Act 1998 would be required. We also agreed that the separate short surveys of the operation of the judicial review in different contexts at the end of the 5th edition, excellent though they were, would be better integrated into the main body of the work. In other respects, however, we again

PREFACE

initially assumed that a mere updating of the previous edition would suffice. It soon became clear, however, that judicial review had altered in the past 12 years to an extent even more significant than between the previous editions and that a substantial re-arrangement and major additions were again required. These changes were driven, in particular, by the explicit recognition that individuals in a democracy possess rights against the state—as enunciated both by the common law as well as the Human Rights Act 1998 and in European Union law. In addition, the relationships between the courts and other branches of government have been clarified in important ways. The principle of the sovereignty of Parliament has been, if not been fatally undermined, at least substantially weakened as a shield against either unlawful administrative action or legislation which offends the rule of law. Constitutional principles such as the rule of law and separation of powers had been explicitly articulated as such, and their status enhanced. Above all, it had become clear that judicial review is not merely about the way decisions are reached but also about the substance of those decisions themselves. The fine line between appeal on the merits of a case and review still existed but we had moved, as we emphasised in various sections of that edition, towards a “culture of justification”. A *First Supplement to the Sixth Edition* was published in 2009 (ISBN 9780421691001), edited by Le Sueur, Donnelly and Hare.

In this 7th edition (with Woolf, Jowell, Le Sueur, Donnelly and Hare as joint authors), as in the last we have, inevitably, deviated from some of de Smith’s standpoints and approaches but not, we believe, in ways of which he would have disapproved, in the changed circumstances of these times. In three respects at least, we have attempted wherever possible to be faithful to de Smith’s distinctive approach. First, by setting out the principles underlying each area of judicial review: de Smith’s hallmark was, above all, the elucidation of principle. Never content merely to describe a line of cases, he would invariably sum up their underlying rationale through a series of “propositions”. We have sought to do the same. Second, we have retained key parts of de Smith’s unmatched historical researches (updating them where necessary), which are so important to a proper understanding of the context of judicial review today. As he wrote in his first Preface, “many of the peculiarities of judicial review in English administrative law are unintelligible unless viewed in the light of their historical origins”. Third, we have attempted to refer to the experience of other jurisdictions, yet again as in the previous editions, without any pretence at creating a work of comparative law. We have been struck by the increased readiness of our courts to consider (if not slavishly to follow) the decisions of courts in other countries. The requirement in some of the provisions of the European Convention on Human Rights that our decision-makers adhere to the necessary qualities of a “democratic society” is just one of the factors that have encouraged reference to the experience of democracies elsewhere. We have in this edition summarised at the end of a number of chapters the corresponding law and practice in some relevant Commonwealth countries.

Another of de Smith’s hallmarks was his meticulous coverage of the case law. He took pride in the fact that he had cited 1,800 cases in the first edition. In the age before electronic databases this was a considerable achievement. Professor Evans was equally meticulous in his comprehensive coverage of developments in

PREFACE

judicial review between 1973 and 1979. In those times it may have been possible to refer to virtually every case relevant to the subject (although some critics of the 4th edition queried the need for the routine citation of all relevant cases). To cite the mass of case law that exists today is, we believe, even if possible, unnecessary in a work of this nature. We hope not to have neglected the need to be comprehensive where desirable. We have, however, consciously been prepared to sacrifice coverage where it might impede de Smith's prime goal of clarity of exposition of principle.

Previous editions of the work were entitled *Judicial Review of Administrative Action*. We have in this edition (as in the last edition) dropped the reference to administrative action, which would today be partial and misleading, as some of judicial review (that under European Union law and in the interpretation of the rights under the European Convention on Human Rights as incorporated by the Human Rights Act 1998) involves review not only of administrative action (or the exercise of public functions, as we now prefer to say), but also of primary legislation.

Scheme of the Work

In Chapter 1 we set out the context of judicial review and its scope, considering at the outset a number of issues that guide our approach in so many of the later chapters. A raging debate on the constitutional foundations of judicial review erupted shortly after the 5th edition went to press. Our position remains that courts in judicial review enunciate not merely the will of the legislature but the fundamental principles of a democratic (albeit unwritten) constitution. We also sketch at the outset another fundamental issue, namely, the respective roles of courts and other branches of government—the question of whether there are some matters that are simply beyond judicial review because they are not “justiciable”. In addition, we consider the context in which judicial review is but one of a number of possible avenues of redress for aggrieved citizens, which include internal complaints procedures, mediation and other forms of ADR, ombudsmen and (reinvigorated by the Tribunals, Courts and Enforcement Act 2007) tribunals. In an era of “proportionate dispute resolution” there is a renewed appreciation that administrative justice may be achieved beyond the Administrative Court. As we argue, however, while other redress mechanisms may often provide cheaper, speedier and more convenient remedies, judicial review is usually best placed to ensure the rule of law is respected. Chapter 1 also considers government reaction to judicial review and notes the heavy cloud looming overhead at the start of 2013, with frequently ill-informed, unsubstantiated and sometimes intemperate ministerial attacks on the courts’ function of supervising the legality of executive action, which is so essential to preserving the rule of law.

Chapter 2 examines those who may initiate a claim for judicial review (claimants); who have a right to be a party (interested parties) and those, often pressure groups, who may seek permission from the court to make submissions as interveners. Whatever may have been the case in the past, the operation of the standing rule—the need for “a sufficient interest in the matter” to which the claim relates—now excludes few people with well-presented grounds of challenge from commencing a review. Where a claimant seeks to rely on a Convention right as a ground of review, s.7 of the Human Rights Act 1998 modifies the standing test to

PREFACE

include a requirement that the claimant be “a victim” (a development that has been subject to academic criticism and some judicial fog in its practical application). We conclude this chapter with a survey of the approaches to standing in other jurisdictions.

In Chapter 3, we consider the often complex and controversial questions of which defendants and decisions are subject to judicial review. The court’s choice as to whether to embark on an adjudication of an alleged unlawful action or omission depends on its jurisdiction to do so (guided by s.29 of the Senior Courts Act 1981), whether the subject-matter of the public authority’s impugned decision is justiciable (on which, see Chapter 1) and whether there are any factors that indicate that the court should exercise its discretion to decline to review the matter (for example, because the would-be claimant has failed to use an available alternative remedy). We see that the source of the public authorities’ power in statute or a prerogative power continues to provide a clear basis for the court’s jurisdiction in most cases; the complementary “public function” test coined in *Datafin* is a useful supplement but has not led to a widespread expansion of the ambit of judicial review. The court’s approach to determining whether action taken by a public authority in relation to a contract—generally requiring there to be an “additional public element”—is less than satisfactory; we suggest that so long as the courts, in this context, approach the issue of amenability on this basis there is much to be said for adopting a pragmatic method and reasoning by analogy from previously decided cases. In our view, the law on amenability to judicial review has become unnecessarily complex and time may be ripe for a thoroughgoing review by the Law Commission. The Human Rights Act has brought with it a new range of amenability problems as the courts have struggled with the concept of “functions of a public nature” under s.6. In this part of Chapter 3 we have sought, as best we can, to present an even-handed account of this important and controversial point of law. Towards the end of Chapter 3, we note that a controversy of former years—whether a litigant *has* to use the judicial review procedure rather than some other form of legal proceedings to raise a public law issue—has now subsided in the wake of the flexibility introduced by the Civil Procedure Rules.

Chapter 4, which deals with concepts of jurisdiction and unlawful administration, is significantly affected by the Human Rights Act and the recently endorsed common law right of access to justice. As we say, the cases

“demonstrate how carefully the courts will scrutinise any attempt to oust their ability to protect the citizen against abuse of power by public bodies and at the same time how important it is to the rule of law that Parliament does not attempt to do so inappropriately. In this area in a jurisdiction where there is no entrenched constitution, there is a very heavy responsibility for restraint on all the arms of government.”

Part II of the book (Chapters 5–14) deals with the grounds of review. As in the previous edition, we largely retain the categories that Lord Diplock set out, namely illegality (Chapter 5), lack of procedural fairness (Chapters 6–10) and irrationality or unreasonableness (Chapter 11—rephrased, as set out below, as “substantive review”). Again, we recognise that these grounds are by no means

PREFACE

comprehensive nor self-contained (the failure to satisfy a “legitimate expectation”, for example, can fall into different grounds) and that other grounds may well emerge in the future (the term “abuse of power” is sometimes employed, either as a distinct ground of review, or as a general term for unlawful action).

In the 5th edition the notion of “illegality” as a ground of review was regarded as relatively free of conceptual difficulties. In this edition, as in the 6th edition, we devote attention to the process of interpretation of statutory purpose, or relevancy, in respect of a number of issues, including problems raised in *Pepper v Hart*, and the interaction between matters which engage Convention rights, European Union law and international law. New distinctions have been drawn recently between powers and duties (some of which are regarded as mere “target duties”) and changing judicial approaches to what in the past may have been regarded as unenforceable “policies”. Similarly, there have been significant developments in the notion of “relevancy”, particularly the extent to which cost, or financial considerations may be lawfully relevant. The Localism Act 2011 Pt 1 creates a “general power of competence” for local authorities, requiring revaluation of some previous case law.

Chapters 6–10 deal with the ground of procedural fairness. We retain the basic format of the 5th edition, dealing first with the history of the requirement that both sides be heard (Chapter 6), then proceeding to the situations giving rise to the fair decision-making process and the content of that entitlement (Chapter 7), then exceptions (Chapter 8). Perhaps the most pressing challenge faced by the courts in this context in recent times has been the balancing of the requirements of procedural fairness with the interests of national security. In particular, the issue of the appropriate limits to usage of closed material procedures has been exercising both the courts and the legislature.

Although there have perhaps been relatively few conceptual developments in the notion of fettering of discretion (Chapter 9), we were surprised at the degree of intense judicial examination given to the notion of bias and conflict of interest (as we now entitle Chapter 10).

In the 5th edition, the chapter that contained for us the most surprises was the one we entitled “The Unreasonable Exercise of Power”. De Smith had previously devoted little attention to the notion of “unreasonableness”, but when we assembled the cases we discovered far more than we had expected in which decisions were held invalid on the ground of their substance, rather than procedure and we sought to make some sense of the categories in which such review took place. Substantive review is now fully recognised, prompted in particular by the more intense scrutiny that has been accorded to cases where human rights (or “constitutional rights” as they are now explicitly called) are engaged, and where the concept of proportionality is applied. As a result, we have retitled Chapter 11 “Substantive Review and Justification”, and seek to show the relationship between the irrational, unreasonable and disproportionate decisions, the different senses of each of those terms, and how the courts have, in different circumstances, adopted different degrees of intensity of review and imposed different standards of justification.

Chapter 12 considers the legitimate expectation in both its procedural and substantive contexts (considered in the previous edition in two parts of the book—in the section on procedural fairness and then in respect of the

PREFACE

unreasonable decision). The chapter also considers the extent to which an unlawful representation may give rise to a legally enforceable expectation (as has sometimes been suggested).

This work cannot possibly cover the approach of the courts to each of the specific Convention rights, or the administrative law of the European Union. Other specialist texts admirably cover that extensive ground. However, we must at least outline the essence of those important areas of judicial review and this is done in Chapter 13, which sets out the salient features of judicial review as it applies to Convention Rights under the Human Rights Act 1998, and in Chapter 14, which has the same purpose in respect of the law of the European Union. Both of these areas continue to account for a substantial part of the judicial review caseload and to affect almost all areas of law, procedure and practice.

Part III of the book is concerned with procedures and remedies. Since the 5th edition, the Civil Procedure Rules have been extended to claims for judicial review—RSC Ord.53 has been replaced by CPR Pt 54. In judicial review, as in other types of litigation, regard must now be had to “the overriding objectives” of the CPR. There have also been several changes in terminology: claims (rather than applications) for judicial review; the Administrative Court superseded the Crown Office List; the ancient remedies of prohibition, mandamus and certiorari became prohibiting, mandatory and quashing orders. In Chapter 16, we have included some discussion of alternative dispute resolution, an outline of the Freedom of Information Act 2000 and the Data Protection Act 1998, funding and costs. There have been substantial changes in relation to costs in recent years and in this edition we cover the introduction of a fixed-costs regime for environmental judicial review claims and the latest government proposals to limit legal aid (which were opened for consultation in April 2013). Chapter 19 turns to monetary remedies against the background of a failed Law Commission project on financial remedies against public authorities.

We have sought to state the law as it stood on 31 January 2013 (although some later developments have been incorporated at proof stage).

Acknowledgements

The comparative material we incorporate into this edition has been brought to our attention by our distinguished panel of “foreign correspondents”, to whom we express our gratitude for their prompt, detailed and expert guidance.

- Australia: Professor Mark Aronson (University of New South Wales) and Dr Matthew Groves (Monash University).
- Canada: Professor David Mullan (Queen’s University, Ontario).
- India: Harish Salve (formerly Solicitor General of India).
- New Zealand: Dr Caroline Morris (Queen Mary University of London).
- South Africa: Professor Cora Hoexter (University of the Witwatersrand, Johannesburg).

We are grateful to the following for research assistance: Stephen Brittain, Mark Collier, Brady Gordon, David McCauley, Maureen O’Brien, Claire Varty and Adrian Wood.

PREFACE

Our publishers at Sweet & Maxwell have been very supportive. We are particularly grateful to Taryn Dullisear for her efficiency, encouragement, tolerance and innovative use of technology to enhance communication between the authors and between the authors and publishers. We are also extremely grateful to William Prior for his dedication and attention to detail.

The usual disclaimers apply: the undersigned alone are responsible for any errors or infelicities.

Harry Woolf

Jeffrey Jowell

Andrew Le Sueur

Catherine Donnelly

Ivan Hare

April 2013

TABLE OF CASES

56 Denton Road, Twickenham, Re [1953] Ch. 51; [1952] 2 All E.R. 799; [1952] 2 T.L.R. 676; [1952] W.N. 472	3-025
A (A Child) (Disclosure of Third Party Information), Re; sub nom. A (A Child) (Family Proceedings: Disclosure of Information), Re; A (A Child) (Sexual Abuse: Disclosure), Re; J (A Child: Disclosure), Re; X, Re [2012] UKSC 60; [2012] 3 W.L.R. 1484; [2013] 1 All E.R. 761; [2013] 1 F.C.R. 69; [2013] Fam. Law 269	13-087
A (A Child) (Fact-Finding: Speculation), Re; sub nom. A (Fact-Finding: Disputed Findings), Re [2011] EWCA Civ 12; [2011] 1 F.L.R. 1817; [2011] 1 F.C.R. 141; [2011] Fam. Law 365	7-104
A (Children) (Fact-finding Hearing: Extempore Judgment), Re [2011] EWCA Civ 1611; [2012] 1 F.L.R. 1243; [2012] Fam. Law 285	7-102
A (Forced Marriage: Special Advocates), Re; sub nom. A Chief Constable v K [2010] EWHC 2438 (Fam); [2012] Fam. 102; [2011] 2 W.L.R. 1027; [2011] 1 F.L.R. 1493; [2011] Fam. Law 23; (2010) 154(38) S.J.L.B. 29	8-020
A Company, Re. <i>See</i> Racial Communications Ltd, Re	
A County Council v SB [2010] EWHC 2528 (Fam); [2011] 1 F.L.R. 651; [2011] B.L.G.R. 160; [2011] Fam. Law 18	8-020, 8-021
A Local Authority v DL; sub nom. DL v A Local Authority; L (Vulnerable Adults with Capacity: Court's Jurisdiction), Re [2012] EWCA Civ 253; [2012] 3 W.L.R. 1439; [2012] 3 All E.R. 1064; [2012] 3 F.C.R. 200; [2012] B.L.G.R. 757; (2012) 15 C.C.L. Rep. 267; (2012) 127 B.M.L.R. 24; [2012] M.H.L.R. 271; [2012] W.T.L.R. 1713; [2012] Fam. Law 1454; (2012) 162 N.L.J. 503; (2012) 156(13) S.J.L.B. 31	17-007, 17-012
A v B (Investigatory Powers Tribunal: Jurisdiction); sub nom. R. (on the application of A) v Director of Establishments of the Security Service [2009] UKSC 12; [2010] 2 A.C. 1; [2010] 2 W.L.R. 1; [2010] 1 All E.R. 1149; [2010] H.R.L.R. 11; [2010] U.K.H.R.R. 568	4-016, 5-042, 8-013
A v Chief Constable of West Yorkshire. <i>See</i> Chief Constable of West Yorkshire v A	
A v Croydon LBC; K v Secretary of State for the Home Department [2009] EWHC 939 (Admin); [2010] 1 F.L.R. 193; [2009] Fam. Law 659; (2009) 153(20) S.J.L.B. 40	9-010
A v Denmark (1996) 22 E.H.R.R. 458 ECtHR	7-124
A v Essex CC [2003] EWCA Civ 1848; [2004] 1 W.L.R. 1881; [2004] 1 F.L.R. 749; [2004] 1 F.C.R. 660; [2004] B.L.G.R. 587; (2004) 7 C.C.L. Rep. 98; [2004] Fam. Law 238; (2004) 148 S.J.L.B. 27	19-045
A v Essex CC; B v Suffolk CC; S v Hertfordshire CC; J v Worcestershire CC [2010] UKSC 33; [2011] 1 A.C. 280; [2010] 3 W.L.R. 509; [2010] 4 All E.R. 199; [2010] P.T.S.R. 1332; [2010] H.R.L.R. 32; [2010] U.K.H.R.R. 937; 30 B.H.R.C. 1; [2010] E.L.R. 531; (2010) 13 C.C.L. Rep. 314; (2010) 154(28) S.J.L.B. 30	13-079
A v Headteacher and Governors of Lord Grey School. <i>See</i> Ali v Lord Grey School Governors	
A v HM Treasury; HM Treasury v Al-Ghabra; R. (on the application of Youssef) v HM Treasury; sub nom. HM Treasury v Ahmed [2010] UKSC 2; [2010] 2 A.C. 534; [2010] 2 W.L.R. 378; [2010] 4 All E.R. 745; [2010] H.R.L.R. 15; [2010] U.K.H.R.R. 204; [2010] Lloyd's Rep. F.C. 217; (2010) 154(4) S.J.L.B. 28	5-028, 5-040, 5-042, 5-146
A v Secretary of State for the Home Department [2003] EWCA Civ 175; [2003] I.N.L.R. 249; (2003) 147 S.J.L.B. 114	11-052
A v Secretary of State for the Home Department; D v Secretary of State for the Home Department; C v Secretary of State for the Home Department [2005] UKHL 71; [2006] 2 A.C. 221; [2005] 3 W.L.R. 1249; [2006] 1 All E.R. 575; [2006] H.R.L.R. 6; [2006] U.K.H.R.R. 225; 19 B.H.R.C. 441; (2005) 155 N.L.J. 1924	5-042, 5-050, 5-051, 8-014, 13-066, 17-007
A v Secretary of State for the Home Department; sub nom. X v Secretary of State for the Home Department [2004] UKHL 56; [2005] 2 A.C. 68; [2005] 2 W.L.R. 87; [2005] 3 All E.R. 169; [2005] H.R.L.R. 1; [2005] U.K.H.R.R. 175; 17 B.H.R.C. 496; [2005] Imm. A.R. 103; (2005) 155 N.L.J. 23; (2005) 149 S.J.L.B. 28	1-039, 1-041, 8-008, 13-023, 13-104
A v United Kingdom (3455/05) (2009) 49 E.H.R.R. 29; 26 B.H.R.C. 1 ECtHR	1-041, 8-013, 8-015, 13-023, 13-075

TABLE OF CASES

A, Re. <i>See</i> R. (on the application of A) v Crown Court at the Central Criminal Court	
AA (Nigeria) v Secretary of State for the Home Department [2010] EWCA Civ 773; [2011] 1 W.L.R. 564; [2010] Imm. A.R. 704; [2011] I.N.L.R. 1	5–033
AA v Governor of HMP Downview. <i>See</i> R. (on the application of Adelana) v Governor of Downview Prison	
AAA Investments (Pty) Ltd v Micro Finance Regulatory Council, 2007 (1) S.A. 343 CC	5–171
AAA Investments (Pty) Ltd v Micro Finance Regulatory Council, 2006 (11) B.C.L.R. 1255 CC	3–138, 3–139, 11–134
AAA Investments Ltd v Micro Finance Regulatory Council and the Minister of Trade and Industry [2006] C.C.T. 51/05 (July 26, 2006)	5–150
Aalborg Portland A/S v Commission of the European Communities (C-204/00 P) [2004] E.C.R. I-123; [2005] 4 C.M.L.R. 4	14–116
AB v Home Office. <i>See</i> B v Home Office	
AB v South West Water Services Ltd; Gibbons v South West Water Services Ltd [1993] Q.B. 507; [1993] 2 W.L.R. 507; [1993] 1 All E.R. 609; [1993] Env. L.R. 266; [1993] P.I.Q.R. P167; (1993) 143 N.L.J. 235; [1992] N.P.C. 146 CA (Civ Div)	19–050, 19–062
Abbey Mine Ltd v Coal Authority [2008] EWCA Civ 353; (2008) 152(16) S.J.L.B. 28	7–008, 7–018, 7–057
Abbott v Sullivan; Abbott v Isett Cornporters Committee Members [1952] 1 K.B. 189; [1952] 1 All E.R. 226; [1951] 2 Lloyd's Rep. 573; [1952] 1 T.L.R. 133; (1952) 96 S.J. 119 CA	6–016, 6–028, 6–042
Abenavoli v Italy (25587/94) September 2, 1997 ECtHR	6–048, 7–034
ABL International Ltd v Export Credit Guarantee Corporation of India Ltd (2004) 3 SCC 553	3–130
Abraham v Jutsun [1963] 1 W.L.R. 658; [1963] 2 All E.R. 402; (1963) 107 S.J. 357 CA	6–042
Abrahamson v Law Society [1996] 1 I.R. 403	12–086, 12–087, 12–088
Abu Qatada v United Kingdom (8139/09). <i>See</i> Othman v United Kingdom (8139/09)	
AC-Treuhand AG v Commission of the European Communities (T-99/04) [2009] Bus. L.R. 677; [2008] E.C.R. II-1501; [2008] 5 C.M.L.R. 13	14–110, 14–115
Accardo v Comune di Torino (C-227/09) [2011] 1 C.M.L.R. 44	14–022
Accenture Services Ltd v Revenue and Customs Commissioners; Barclays Bank Plc v Revenue and Customs Commissioners [2009] EWHC 857 (Admin); [2009] S.T.C. 1503; [2009] B.T.C. 5430; [2009] B.V.C. 429; [2009] S.T.I. 1601	12–023
Acegas-APS SpA v Commission of the European Communities (T-309/02) [2009] E.C.R. II-1809	14–031
Achour v France (67335/01) (2007) 45 E.H.R.R. 2 ECtHR	13–070
Adami v Malta (17209/02) (2007) 44 E.H.R.R. 3; 20 B.H.R.C. 703 ECtHR	13–067
Adams v Adams (Attorney General intervening) [1971] P. 188; [1970] 3 W.L.R. 934; [1970] 3 All E.R. 572; (1970) 114 S.J. 605 PDAD	3–115
Adams v Law Society of England and Wales [2012] EWHC 980 (QB)	19–012
Adams v United Kingdom (Admissibility) (28979/95); sub nom. Benn v United Kingdom (30343/96) (1997) 23 E.H.R.R. CD160 ECtHR	7–034
Adamson v United Kingdom (Admissibility) (42293/98) (1999) 28 E.H.R.R. CD209 ECtHR	13–070
Adan v Newham LBC; sub nom. Newham LBC v Adan [2001] EWCA Civ 1916; [2002] 1 W.L.R. 2120; [2002] 1 All E.R. 931; [2002] H.R.L.R. 17; [2002] U.K.H.R.R. 229; [2002] H.L.R. 28; 2002 Hous. L.R. 11; (2002) 99(9) L.S.G. 29; (2002) 146 S.J.L.B. 28; [2001] N.P.C. 185	8–037
Adeboyin v Secretary of State for the Home Department. <i>See</i> AA (Nigeria) v Secretary of State for the Home Department	
Adelaide City Corp v Corneloup [2011] SASFC 84; (2011) 110 S.A.S.R. 334	5–146
Adeneler v Ellinikos Organismos Galaktos (ELOG) (C-212/04) [2007] All E.R. (EC) 82; [2006] E.C.R. I-6057; [2006] 3 C.M.L.R. 30; [2006] I.R.L.R. 716	14–026, 14–049
Administration des douanes v Société anonyme Gondrand Frères and Société anonyme Garancini (169/80) [1981] E.C.R. 1931	14–025, 14–110
Adolf Truley GmbH v Bestattung Wien GmbH (C-373/00) [2003] E.C.R. I-1931	14–089
Advocaten voor de Wereld VZW v Leden van de Ministerraad (C-303/05) [2008] All E.R. (EC) 317; [2007] E.C.R. I-3633; [2007] 3 C.M.L.R. 1; [2008] C.E.C. 628	14–031
Aegis Group Plc v Inland Revenue Commissioners [2005] EWHC 1468 (Ch); [2006] S.T.C. 23; [2008] B.T.C. 668; [2005] S.T.I. 989	16–002, 16–021

TABLE OF CASES

Aerts v Belgium (2000) 29 E.H.R.R. 50; 5 B.H.R.C. 382; (2000) 53 B.M.L.R. 79; [1998] H.R.C.D. 749 ECtHR	7-034
Affordable Medicines Trust v Minister of Health 2006 (3) S.A. 247 CC	11-134
Afolabi v Minister for Justice and Equality [2012] IEHC 192	11-121
Afton Chemical Ltd v Secretary of State for Transport (C-343/09) [2010] E.C.R. I-7027; [2011] 1 C.M.L.R. 16	14-098, 14-107
AGIM v Belgium. <i>See</i> Association générale de l'industrie du médicament (AGIM) ASBL	
Agrana Zucker GmbH v Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft (C-309/10) [2012] 1 C.M.L.R. 6	14-035
Agricultural Horticultural and Forestry Industry Training Board v Kent; Agricultural, Horticultural and Forestry Industry Training Board v Tawell & Sons (A Firm) [1970] 2 Q.B. 19; [1970] 2 W.L.R. 426; [1970] 1 All E.R. 304; (1969) 114 S.J. 32 CA (Civ Div)	5-059
Agricultural Industries, Re [1952] 1 All E.R. 1188; [1952] W.N. 209 CA	6-036
Agricultural, Horticultural and Forestry Industry Training Board v Aylesbury Mushrooms [1972] 1 W.L.R. 190; [1972] 1 All E.R. 280 QBD	5-059
Agrofert Holding AS v European Commission (T-111/07) [2010] E.C.R. II-128	14-031
Agrotexim v Greece (A/330) (1996) 21 E.H.R.R. 250 ECtHR	2-053
AH (Algeria) v Secretary of State for the Home Department [2012] EWCA Civ 395; [2012] 1 W.L.R. 3469	5-048
AH (Sudan) v Secretary of State for the Home Department; sub nom. Secretary of State for the Home Department v AH (Sudan) [2007] UKHL 49; [2008] 1 A.C. 678; [2007] 3 W.L.R. 832; [2008] 4 All E.R. 190; [2008] Imm. A.R. 289; [2008] I.N.L.R. 100; (2007) 151 S.J.L.B. 1500	1-098
AH v Secretary of State for the Home Department; sub nom. Secretary of State for the Home Department v AH [2011] EWCA Civ 787	8-013
Ahmad v United Kingdom (24027/07); Al-Fawwaz v United Kingdom (67354/09); Bary v United Kingdom (66911/09); Mustafa (aka Abu Hamza) v United Kingdom (36742/08); Ahsan v United Kingdom (11949/08) (2013) 56 E.H.R.R. 1 ECtHR	13-065
Ahmad v United Kingdom (8160/78) (1981) 4 E.H.R.R. 126 ECtHR	13-089
Ahmed v Her Majesty's Treasury. <i>See</i> HM Treasury v Ahmed	
Aime Richardt (C-367/89). <i>See</i> Ministre des Finances v Richardt (C-367/89)	
Ainley v Secretary of State for the Environment; sub nom. Ainley v Fylde BC [1987] J.P.L. 33	11-054
Ainoonan v Secretary of State for the Home Department [1973] Imm. A.R. 43 Immigration Appeal Tribunal	5-180
Ainsworth v Criminal Justice Commission (1992) 175 C.L.R. 564	6-060, 12-081
Air 2000 Ltd v Secretary of State for Transport (No.2), 1990 S.L.T. 335 OH	5-172
Air Canada v United Kingdom (18465/91) (1995) 20 E.H.R.R. 150 ECtHR	13-007, 13-097
Air Nelson Ltd v Minister of Transport [2007] N.Z.A.R. 266 High Ct	6-055
Air Nelson Ltd v Minister of Transport [2008] N.Z.A.R. 139 CA	3-134
Air New Zealand Ltd v Mahon. <i>See</i> Erebus Royal Commission, Re	
Air New Zealand Ltd v Wellington International Airport Ltd [2009] N.Z.A.R. 138	12-092, 12-093
Airedale NHS Trust v Bland [1993] A.C. 789; [1993] 2 W.L.R. 316; [1993] 1 All E.R. 821; [1993] 1 F.L.R. 1026; [1994] 1 F.C.R. 485; [1993] 4 Med. L.R. 39; (1993) 12 B.M.L.R. 64; [1993] Fam. Law 473; (1993) 143 N.L.J. 199 HL	1-039
Airey v Ireland (A/32) (1979-80) 2 E.H.R.R. 305 ECtHR	7-034, 13-029
Akdeniz v Turkey (23954/94) May 31, 2005 ECtHR	2-051
Akenzua v Secretary of State for the Home Department [2002] EWCA Civ 1470; [2003] 1 W.L.R. 741; [2003] 1 All E.R. 35; [2002] Po. L.R. 344; (2002) 99(47) L.S.G. 29; (2002) 146 S.J.L.B. 243	19-016, 19-049
Akhtar v Birmingham City Council [2011] EWCA Civ 383; [2011] H.L.R. 28	7-098
Akkoc v Turkey (22947/93) (2002) 34 E.H.R.R. 51 ECtHR	2-050
Åklagaren v Fransson (C-617/10) February 26, 2013	14-032
Aksoy v Turkey (1996) 23 E.H.R.R. 553	19-084
Akumah v Hackney LBC [2005] UKHL 17; [2005] 1 W.L.R. 985; [2005] 2 All E.R. 148; [2005] H.L.R. 26; [2005] B.L.G.R. 399; [2005] 10 E.G. 155 (C.S.); (2005) 102(17) L.S.G. 31; (2005) 149 S.J.L.B. 299; [2005] N.P.C. 31	3-081
Akzo Nobel Chemicals Ltd v European Commission (C-550/07 P) [2011] 2 A.C. 338; [2011] 3 W.L.R. 755; [2011] All E.R. (EC) 1107; [2011] Bus. L.R. 1458; [2010] 5 C.M.L.R. 19; [2011] C.E.C. 253; (2010) 160 N.L.J. 1300	14-116

TABLE OF CASES

AL (Serbia) v Secretary of State for the Home Department; R. (on the application of Rudi) v Secretary of State for the Home Department [2008] UKHL 42; [2008] 1 W.L.R. 1434; [2008] 4 All E.R. 1127; [2008] H.R.L.R. 41; [2008] U.K.H.R.R. 917; 24 B.H.R.C. 738; [2008] Imm. A.R. 729; [2008] I.N.L.R. 471; (2008) 152(26) S.J.L.B. 29	11–067, 13–101
Al-Fayed v United Kingdom (17101/90); sub nom. Al-Fayed v United Kingdom (A/294-B) (1994) 18 E.H.R.R. 393 ECtHR	7–033, 8–047
Al-Hosan v Minister of Immigration May 3, 2007 High Ct (Auckland)	12–094
Al-Jedda v United Kingdom (27021/08) (2011) 53 E.H.R.R. 23; 30 B.H.R.C. 637 ECtHR	3–094, 13–025, 13–073
Al-Khawaja v United Kingdom (26766/05); Tahery v United Kingdom (22228/06) [2012] 2 Costs L.O. 139; (2012) 54 E.H.R.R. 23; 32 B.H.R.C. 1; [2012] Crim. L.R. 375 ECtHR	7–118, 13–036
Al-Mehdawi v Secretary of State for the Home Department. <i>See</i> R. v Secretary of State for the Home Department Ex p. Al-Mehdawi	
Al-Nashif v Bulgaria (50963/99) (2003) 36 E.H.R.R. 37; (2002) 36 E.H.R.R. 655 ECtHR	8–011
Al-Rawi v Security Service [2011] UKSC 34; [2012] 1 A.C. 531; [2011] 3 W.L.R. 388; [2012] 1 All E.R. 1; [2011] U.K.H.R.R. 931; (2011) 108(30) L.S.G. 23; (2011) 155(28) S.J.L.B. 31	1–041, 5–042, 6–050, 7–038, 7–043, 8–009, 8–010, 16–002, 16–012
Al-Skeini v United Kingdom (55721/07) (2011) 53 E.H.R.R. 18; 30 B.H.R.C. 561; [2011] Inquest L.R. 73 ECtHR	3–094, 7–036, 13–025
Ala v Secretary of State for the Home Department [2003] EWHC 521 (Admin)	11–024
Alaradana Mosque Trustees v Mahmud. <i>See</i> Maradana Mosque (Board of Trustees) v Badiuddin Mahmud	
Albert Ruckdeschel & Co v Hauptzollamt Hamburg-St Annen (117/76); Diamalt AG v Hauptzollamt Itzehoe (16/77) [1977] E.C.R. 1753; [1979] 2 C.M.L.R. 445	14–103, 14–104
Albert v Belgium (A/58); Le Compte v Belgium (A/58) (1983) 5 E.H.R.R. 533 ECtHR	8–036, 8–037
Alberta (Education) v Canadian Copyright Licensing Agency (Access Copyright), 2012 S.C.C. 37	11–117
Alberta (Information and Privacy Commissioner) v Alberta Teachers' Federation [2011] 3 S.C.R. 654	4–073
Albutt v Centre for the Study of Violence and Reconciliation, 2010 (3) S.A. 293 CC	2–086, 11–133, 11–134
Alderman Blackwell's case (1683) 1 Vent. 152	5–015
Alderson v Secretary of State for the Environment (1985) 49 P. & C.R. 307; (1984) 270 E.G. 225; [1984] J.P.L. 429; (1984) 81 L.S.G. 975 CA (Civ Div)	11–040
Alexander Machinery (Dudley) v Crabtree [1974] I.C.R. 120; [1974] I.R.L.R. 56; [1974] I.T.R. 182 NIRC	7–098, 7–103
Alfred Crompton Amusement Machines Ltd v Customs and Excise Commissioners (No.2) [1974] A.C. 405; [1973] 3 W.L.R. 268; [1972] 1 W.L.R. 833; [1973] 2 All E.R. 1169; (1973) 117 S.J. 602 HL	8–020
Ali v Birmingham City Council; Tomlinson v Birmingham City Council; Ibrahim v Birmingham City Council; Moran v Manchester City Council; R. (on the application of Aweys) v Birmingham City Council; sub nom. Birmingham City Council v Ali [2010] UKSC 8; [2010] 2 A.C. 39; [2010] 2 W.L.R. 471; [2010] 2 All E.R. 175; [2010] P.T.S.R. 524; [2010] H.R.L.R. 18; [2010] U.K.H.R.R. 417; [2010] H.L.R. 22; [2010] B.L.G.R. 401; (2010) 154(7) S.J.L.B. 37	6–048, 7–034, 8–037
Ali v Bradford MDC [2010] EWCA Civ 1282; [2012] 1 W.L.R. 161; [2011] 3 All E.R. 348; [2011] P.T.S.R. 1534; [2011] R.T.R. 20; [2011] P.I.Q.R. P6; [2010] N.P.C. 113	19–035
Ali v Lord Grey School Governors; sub nom. A v Headteacher and Governors of Lord Grey School [2006] UKHL 14; [2006] 2 A.C. 363; [2006] 2 W.L.R. 690; [2006] 2 All E.R. 457; [2006] H.R.L.R. 20; [2006] U.K.H.R.R. 591; 20 B.H.R.C. 295; [2006] E.L.R. 223	3–070, 19–100
Ali v United Kingdom (40385/06) (2011) 53 E.H.R.R. 12; 30 B.H.R.C. 44; [2011] E.L.R. 85 ECtHR	13–079
All Saints', Sanderstead, Re [2012] Fam. 51; [2011] 3 W.L.R. 1386; [2011] P.T.S.R. 1596 Consistory Ct (Southwark)	3–080, 3–084
Allam & Co v Europa Poster Services [1968] 1 W.L.R. 638; [1968] 1 All E.R. 826; (1968) 112 S.J. 86 Ch D	5–150
Allan Jacobsson v Sweden (16970/90) (No.2) (2001) 32 E.H.R.R. 20; [1998] H.R.C.D. 270; (2001) 32 E.H.R.R. 463 ECtHR	7–120

TABLE OF CASES

Allcroft v Bishop of London; Lighton v Bishop of London; sub nom. R. v Bishop of London [1891] A.C. 666 HL	5–121, 5–123
Allen v Bloomsbury HA [1993] 1 All E.R. 651; [1992] P.I.Q.R. Q50; [1992] 3 Med. L.R. 257 QBD	19–045
Allen v Commissioner of Inland Revenue [2006] 3 N.Z.L.R. 1 Sup Ct (NZ)	12–091
Allen v Jambo Holdings Ltd [1980] 1 W.L.R. 1252; [1980] 2 All E.R. 502; (1980) 124 S.J. 742 CA (Civ Div)	18–016
Alliance des Professeurs Catholiques de Montreal v Labour Relations Board of Quebec [1953] 2 S.C.R. 140	6–051
Allingham v Minister of Agriculture and Fisheries [1948] 1 All E.R. 780; 64 T.L.R. 290; (1948) 112 J.P. 237; 46 L.G.R. 224 DC	5–159
Allinson v General Council of Medical Education and Registration [1894] 1 Q.B. 750; [1891–94] All E.R. Rep. 768 CA	11–052
Allnatt London Properties v Middlesex CC, 62 L.G.R. 304; (1964) 15 P. & C.R. 288; 189 E.G. 791; [1964] R.V.R. 357 QBD	5–146
Alstom Transport v Eurostar International Ltd [2012] EWHC 28 (Ch); [2012] 3 All E.R. 263; [2012] 2 All E.R. (Comm) 869; 140 Con. L.R. 1; [2012] Eu. L.R. 425; (2012) 162 N.L.J. 215	14–028, 14–051
Altmark Trans GmbH v Nahverkehrsgesellschaft Altmark GmbH (C-280/00) [2005] All E.R. (EC) 610; [2003] E.C.R. I-7747; [2003] 3 C.M.L.R. 12	14–118
Alwoodly Golf Club v Leeds City Council [1995] N.P.C. 149 QBD	2–012
AM v Secretary of State for the Home Department [2011] EWHC 2486 (Admin)	8–013
AM&S Europe Ltd v Commission of the European Communities (155/79). <i>See</i> Australian Mining & Smelting Europe Ltd v Commission of the European Communities (155/79)	
Amann & Sohne GmbH & Co KG v European Commission (T-446/05) [2010] E.C.R. II-1255; [2010] 5 C.M.L.R. 14	14–116
Ambrose v Harris; HM Advocate v M; HM Advocate v G [2011] UKSC 43; [2011] 1 W.L.R. 2435; 2012 S.C. (U.K.S.C.) 53; 2011 S.L.T. 1005; 2011 S.C.L. 866; 2011 S.C.C.R. 651; [2012] H.R.L.R. 1; [2011] U.K.H.R.R. 1159; (2011) 108(40) L.S.G. 21; 2011 G.W.D. 31–667	13–036
American Cyanamid Co v Ethicon Ltd (No.1) [1975] A.C. 396; [1975] 2 W.L.R. 316; [1975] 1 All E.R. 504; [1975] F.S.R. 101; [1975] R.P.C. 513; (1975) 119 S.J. 136 HL	18–012
American Thread Co v Joyce (1913) 108 L.T. 353	11–052
Amministrazione dell'Economia e delle Finanze v Fallimento Olimpclub Srl (C-2/08) [2009] E.C.R. I-7501; [2010] B.V.C. 1019	14–072
Amministrazione delle Finanze dello Stato v San Giorgio SpA (199/82) [1983] E.C.R. 3595; [1985] 2 C.M.L.R. 658	14–056, 14–071
Amministrazione delle Finanze dello Stato v Simmenthal SpA (106/77); sub nom. Italian Tax and Revenue Administration v SA Simmenthal, Monza (Italy) (106/77) [1978] E.C.R. 629; [1978] 3 C.M.L.R. 263	14–012, 14–057
Amministrazione delle finanze dello Stato v Srl Meridionale Industria Salumi; Ditta Italo Orlandi & Figlio and Ditta Vincenzo Divella v Amministrazione delle finanze dello Stato (212–217/80) [1981] E.C.R. 2735	14–025
Ampofo v MEC for Education, Arts, Culture, Sports and Recreation, Northern Province 2002 (2) S.A. 215	12–096
AMT v Refugee Appeals Tribunal [2004] 2 I.R. 607	11–122
Amuur v France (1996) 22 E.H.R.R. 533 ECtHR	2–050
Amylum NV v Council of Ministers of the European Communities (108/81) [1982] E.C.R. 3107	14–110, 14–120
An Bord Baine Cooperative (Irish Dairy Board) v Milk Marketing Board (No.1) [1984] 2 C.M.L.R. 584; (1984) 81 L.S.G. 2223; (1984) 128 S.J. 417	3–103
An Informer v Chief Constable [2012] EWCA Civ 197; [2013] 2 W.L.R. 694; [2012] 3 All E.R. 601	19–034
AN v Secretary of State for the Home Department. <i>See</i> N v Secretary of State for the Home Department	
Anable's Case, temp. Henry VI	15–035
Anand Sharadchandra Oka v University of Mumbai (2008) 5 S.C.C. 217	2–079
Anca v Belgium (10259/83), 40 D.R. 170 (1984)	7–034
Anderson v Gorrie [1895] 1 Q.B. 668 CA	19–020
Anderton v Auckland CC [1978] 1 N.Z.L.R. 657	8–032
Andrews v Mitchell [1905] A.C. 78 HL	4–023

TABLE OF CASES

Angonese v Cassa di Risparmio di Bolzano SpA (C-281/98) [2000] All E.R. (EC) 577; [2000] E.C.R. I-4139; [2000] 2 C.M.L.R. 1120; [2000] C.E.C. 374	14-013
Anisminic Ltd v Foreign Compensation Commission [1969] 2 A.C. 147; [1969] 2 W.L.R. 163; [1969] 1 All E.R. 208; (1968) 113 S.J. 55 HL	4-021, 4-023, 4-029, 4-030, 4-031, 4-035, 4-036, 4-041, 4-042, 4-043, 4-044, 4-046, 4-049, 4-055, 4-076, 4-079, 18-039, 18-058, 19-022
Annamunthodo v Oilfields Workers Trade Union [1961] A.C. 945; [1961] 3 W.L.R. 650; [1961] 3 All E.R. 621; (1961) 105 S.J. 706 PC (WI)	6-016, 7-045
Annetts v McCann (1990) 170 C.L.R. 595	6-060, 12-081
Annisson v St Pancras BC District Auditor; Taylor v St Pancras BC District Auditor [1962] 1 Q.B. 489; [1961] 3 W.L.R. 1148; [1961] 3 All E.R. 914; (1962) 126 J.P. 68; 59 L.G.R. 571; (1961) 105 S.J. 1010 DC	5-015
Anns v Merton LBC; sub nom. Anns v Walcroft Property Co Ltd [1978] A.C. 728; [1977] 2 W.L.R. 1024; [1977] 2 All E.R. 492; 75 L.G.R. 555; (1977) 243 E.G. 523; (1988) 4 Const. L.J. 100; [1977] J.P.L. 514; (1987) 84 L.S.G. 319; (1987) 137 N.L.J. 794; (1977) 121 S.J. 377 HL	19-034, 19-042, 19-044, 19-064, 19-072
Ansaldo Energia SpA v Amministrazione delle Finanze dello Stato (C-279/96); Amministrazione delle Finanze dello Stato v Marine Insurance Consultants Srl (C-280/96); GMB Srl v Amministrazione delle Finanze dello Stato (C-281/96); sub nom. Ansaldo Energia SpA v Amministrazione delle Finanze dello Stato (C-279/96) [1998] E.C.R. I-5025; [1999] 2 C.M.L.R. 776	14-066
Ansett Transport Industries (Operations) Pty Ltd v Commonwealth (1977) 17 A.L.R. 513	5-180, 9-026
Antaios Compania Naviera SA v Salen Rederierna AB (The Antaios); Antaios, The [1985] A.C. 191; [1984] 3 W.L.R. 592; [1984] 3 All E.R. 229; [1984] 2 Lloyd's Rep. 235; (1984) 81 L.S.G. 2776; (1984) 128 S.J. 564 HL	7-088
Anton Vinkov v Nachalnik Administrativno-nakazatelna deynost. See Vinkov v Nachalnik Administrativno-nakazatelna deynost (C-27/11)	
Antonio Crispoltoni v Fattoria autonoma tabacchi di Città di Castello (C-368/89) [1991] E.C.R. I-3695	14-110
Anufrijeva v Southwark LBC; R. (on the application of M) v Secretary of State for the Home Department; R. (on the application of N) v Secretary of State for the Home Department; sub nom. R. (on the application of Anufrijeva) v Southwark LBC [2003] EWCA Civ 1406; [2004] Q.B. 1124; [2004] 2 W.L.R. 603; [2004] 1 All E.R. 833; [2004] 1 F.L.R. 8; [2003] 3 F.C.R. 673; [2004] H.R.L.R. 1; [2004] U.K.H.R.R. 1; 15 B.H.R.C. 526; [2004] H.L.R. 22; [2004] B.L.G.R. 184; (2003) 6 C.C.L. Rep. 415; [2004] Fam. Law 12; (2003) 100(44) L.S.G. 30	1-063, 1-089, 16-052, 19-002, 19-010, 19-084, 19-092, 19-096
Anwar v Secretary of State for the Home Department; Adjo v Secretary of State for the Home Department [2010] EWCA Civ 1275; [2011] 1 W.L.R. 2552; [2011] Imm. A.R. 314; [2011] I.N.L.R. 111	11-024
Anya v University of Oxford [2001] EWCA Civ 405; [2001] I.C.R. 847; [2001] I.R.L.R. 377; [2001] Emp. L.R. 509; [2001] E.L.R. 711	7-088, 7-119
AO v Minister for Justice, Equality and Law Reform [2003] 1 I.R. 1	11-121
APPGER v Information Commissioner and Ministry of Defence [2011] UKUT 153 (AAC)	16-029
Appleby v United Kingdom (2003) 37 E.H.R.R. 38 ECtHR	3-083, 13-026, 13-090
Appleton v Garrett [1996] P.I.Q.R. P1; [1997] 8 Med. L.R. 75; (1997) 34 B.M.L.R. 23 QBD	19-063
Application by the Family Planning Association of Northern Ireland for Judicial Review, Re [2003] NIQB 48	2-047
Appuhamy v Queen, The [1963] A.C. 474; [1963] 2 W.L.R. 375; [1963] 1 All E.R. 762; (1963) 107 S.J. 110 PC (Ceylon)	6-042
Aprile Srl v Amministrazione delle Finanze dello Stato (C-228/96) [2000] 1 W.L.R. 126; [1998] E.C.R. I-7141	14-061
Aragonesas Industrias y Energia SAU v European Commission (T-348/08); sub nom. Sodium Chlorate Cartel, Re (T-348/08) [2012] 4 C.M.L.R. 3	14-031
Arbitration between the Owners of the Steamship Catalina and the Owners of the Motor Vessel Norma, Re; Catalina, The; Norma, The (1938) 61 Ll. L. Rep. 360 KBD	5-090
Archer and Thomson v Secretary of State for the Environment and Penwith DC [1991] J.P.L. 1027 QBD	11-052

TABLE OF CASES

Arcor AG & Co KG v Germany (C-152/07); Firma 01051 Telekom GmbH v Germany (C-154/07); Communication Services TELE2 GmbH v Germany (C-153/07) [2008] E.C.R. I-5959; [2008] 3 C.M.L.R. 37	14-026
Arenson v Casson Beckman Rutley & Co; sub nom. Arenson v Arenson [1977] A.C. 405; [1975] 3 W.L.R. 815; [1975] 3 All E.R. 901; [1976] 1 Lloyd's Rep. 179; (1975) 119 S.J. 810	19-013
HL	14-031
Areva Société anonyme v Commission (T-117/07 and T-121/07) [2011] E.C.R. II-633	14-031
Argos Ltd v Office of Fair Trading; JJB Sports Plc v Office of Fair Trading [2006] EWCA Civ 1318; [2006] U.K.C.L.R. 1135; (2006) 103(42) L.S.G. 32; (2006) 150 S.J.L.B. 1391	5-152
Arlidge v Islington Corp; sub nom. Arlidge v Mayor, Aldermen, & Councillors of the Metropolitan Borough of Islington [1909] 2 K.B. 127 KBD	11-072
Armstrong v Whitfield; sub nom. Armstrong v Cumberland CC [1974] Q.B. 16; [1973] 2 W.L.R. 720; [1973] 2 All E.R. 546; 71 L.G.R. 282; 226 E.G. 2153; [1973] Crim. L.R. 304; (1973) 117 S.J. 341 DC	4-024
Arnold v Hunt (1943) 67 C.L.R. 429	5-152
Arrowsmith v United Kingdom (7050/75) (1981) 3 E.H.R.R. 218 ECtHR	13-088
Arsenal Football Club Ltd v Smith (Valuation Officer); Arsenal Football Club Ltd v Ende [1979] A.C. 1; [1977] 2 W.L.R. 974; [1977] 2 All E.R. 267; 75 L.G.R. 483; [1977] J.P.L. 448; (1977) 121 S.J. 303 HL	2-035, 2-060
Arsenal Football Club Plc v Reed (C-206/01) [2003] Ch. 454; [2003] 3 W.L.R. 450; [2003] All E.R. (EC) 1; [2002] E.C.R. I-10273; [2003] 1 C.M.L.R. 12; [2003] C.E.C. 3; [2003] E.T.M.R. 19; [2003] R.P.C. 9; (2002) 152 N.L.J. 1808	14-088
Artegodon GmbH v Commission of the European Communities (T-74/00) [2002] E.C.R. II-4945; (2003) 72 B.M.L.R. 34	14-118
Arthur JS Hall & Co v Simons; Harris v Scholfield Roberts & Hill; Cockbone v Atkinson Dacre & Slack; Barratt v Woolf Seddon; sub nom. Barratt v Ansell (t/a Woolf Seddon); Harris v Scholfield Roberts & Hall [2002] 1 A.C. 615; [2000] 3 W.L.R. 543; [2000] 3 All E.R. 673; [2000] B.L.R. 407; [2000] E.C.C. 487; [2000] 2 F.L.R. 545; [2000] 2 F.C.R. 673; [2001] P.N.L.R. 6; [2000] Fam. Law 806; [2000] E.G. 99 (C.S.); (2000) 97(32) L.S.G. 38; (2000) 150 N.L.J. 1147; (2000) 144 S.J.L.B. 238; [2000] N.P.C. 87 HL	19-018
Arthur v Commissioners of Sewers in Yorkshire, 88 E.R. 237; (1724) 8 Mod. 331	15-023
KB	15-023
Arulanandam v Secretary of State for the Home Department. <i>See</i> R. v Secretary of State for the Home Department Ex p. Arulanandam	
Ashbridge Investments Ltd v Minister of Housing and Local Government [1965] 1 W.L.R. 1320; [1965] 3 All E.R. 371; (1965) 129 J.P. 580; 63 L.G.R. 400; (1965) 109 S.J. 595	11-052, 17-029
CA	11-052, 17-029
Ashbury Railway Carriage & Iron Co Ltd v Riche; sub nom. Riche v Ashbury Railway Carriage & Iron Co Ltd (1874-75) L.R. 7 H.L. 653 HL	5-098
Ashby v Minister of Immigration [1981] 1 N.Z.L.R. 222	5-107
Ashby v White (1703) 2 Ld. Raym. 938	19-013
Ashby v White (1704) 1 Brown 62	19-068
Ashby, Re [1934] O.R. 421	18-028
Asher v Secretary of State for the Environment [1974] Ch. 208; [1974] 2 W.L.R. 466; [1974] 2 All E.R. 156; 72 L.G.R. 333; (1974) 118 S.J. 258 CA (Civ Div)	5-121
Ashley v Chief Constable of Sussex [2005] EWHC 415 (QB); [2005] Po. L.R. 48	19-049
Ashmore v Commissioner for Superannuation (2000) 62 A.L.R. 97	6-057
Ashton v Secretary of State for Communities and Local Government. <i>See</i> Historic Buildings and Monuments Commission for England (English Heritage) v Secretary of State for Communities and Local Government	
ASLEF v United Kingdom. <i>See</i> Associated Society of Locomotive Engineers & Firemen (ASLEF) v United Kingdom (11002/05)	
Assanide v Georgia [2004] E.C.H.R. 140	3-069
Assenov v Bulgaria (24760/94) (1999) 28 E.H.R.R. 652; [1998] H.R.C.D. 986	13-066
ECtHR	13-066