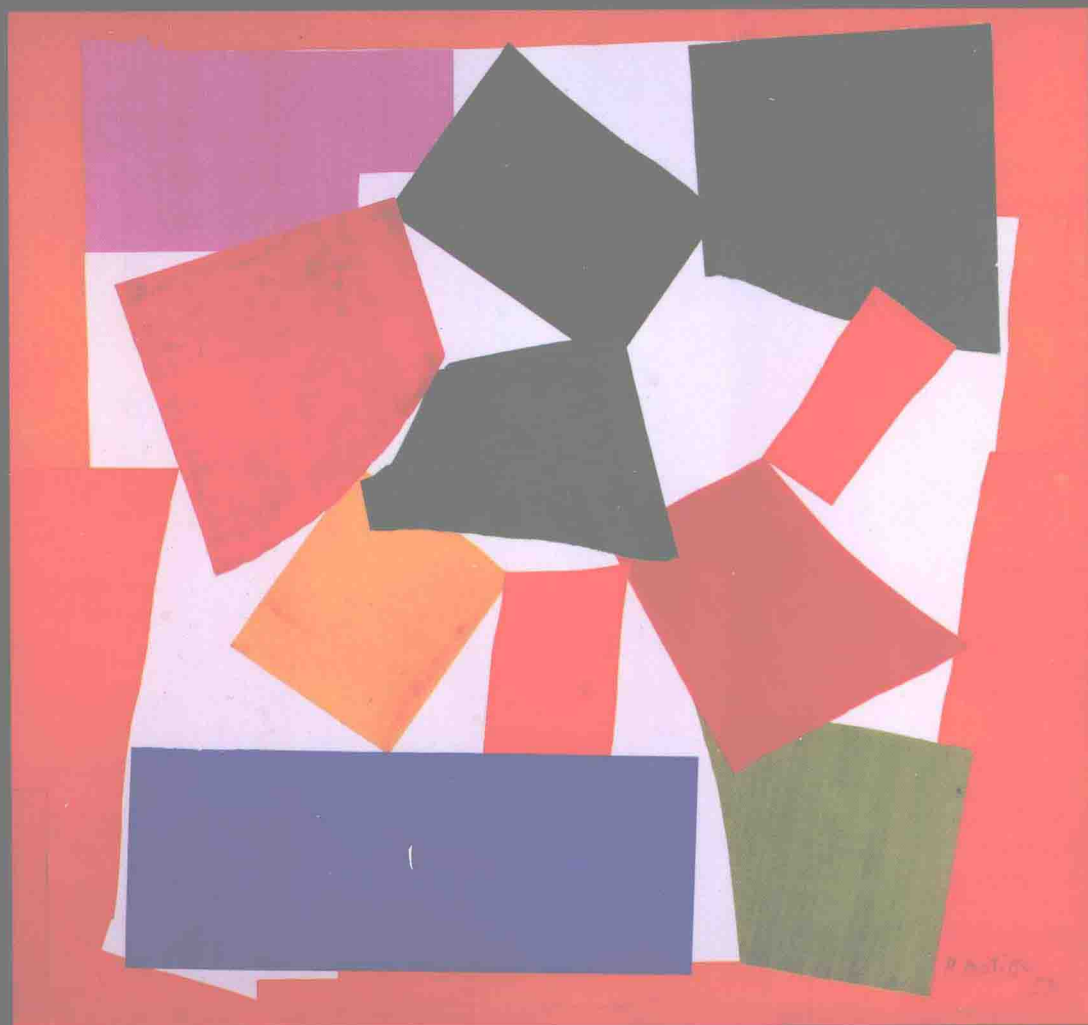


§ Law in Context

Law and Administration

THIRD EDITION



CAMBRIDGE

CAROL HARLOW AND
RICHARD RAWLINGS

Law and Administration

Third Edition

CAROL HARLOW

FBA, QC (Hon), Emerita Professor of Law at the London School of Economics and
Political Science

RICHARD RAWLINGS

Professor of Public Law at University College London

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521701792

© Carol Harlow and Richard Rawlings 2009

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2009

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-70179-2 paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Law and Administration

As the branch of law dealing with the exercise of governmental power, and so directly concerned with politics, policy issues and good governance values, administrative law can challenge even the advanced student. In response, this classic text looks at both the law and the factors informing it, elaborating the foundations of the subject. This contextualised approach allows the reader to develop a broad understanding of the subject. The authors consider the distinctive theoretical frameworks which inform study of this challenging subject. Case law and legislation are set out and discussed and the authors have built in a range of case studies, to give a clear practical dimension to the study. This new and updated edition will cement the title's prominent status.

Carol Harlow FBA, QC (Hon), is Emerita Professor of Law at the London School of Economics and Political Science

Richard Rawlings is Professor of Public Law at University College London

The Law in Context Series

Editors: William Twining (University College London), Christopher McCrudden (Lincoln College, Oxford) and Bronwen Morgan (University of Bristol).

Since 1970 the Law in Context series has been in the forefront of the movement to broaden the study of law. It has been a vehicle for the publication of innovative scholarly books that treat law and legal phenomena critically in their social, political and economic contexts from a variety of perspectives. The series particularly aims to publish scholarly legal writing that brings fresh perspectives to bear on new and existing areas of law taught in universities. A contextual approach involves treating legal subjects broadly, using materials from other social sciences, and from any other discipline that helps to explain the operation in practice of the subject under discussion. It is hoped that this orientation is at once more stimulating and more realistic than the bare exposition of legal rules. The series includes original books that have a different emphasis from traditional legal textbooks, while maintaining the same high standards of scholarship. They are written primarily for undergraduate and graduate students of law and of other disciplines, but most also appeal to a wider readership. In the past, most books in the series have focused on English law, but recent publications include books on European law, globalisation, transnational legal processes, and comparative law.

Books in the Series

Anderson, Schum and Twining: *Analysis of Evidence*

Ashworth: *Sentencing and Criminal Justice*

Barton and Douglas: *Law and Parenthood*

Beecher-Monas: *Evaluating Scientific Evidence: An interdisciplinary framework for intellectual due process*

Bell: *French Legal Cultures*

Bercusson: *European Labour Law*

Birkinshaw: *European Public Law*

Birkinshaw: *Freedom of Information: The law, the practice and the ideal*

Cane: *Atiyah's Accidents, Compensation and the Law*

Clarke and Kohler: *Property Law: Commentary and materials*

Collins: *The Law of Contract*

Cranston: *Legal Foundations of the Welfare State*

Davies: *Perspectives on Labour Law*

Dembour: *Who Believes in Human Rights?: The European Convention in question*

de Sousa Santos: *Toward a New Legal Common Sense*

Diduck: *Law's Families*

Elworthy and Holder: *Environmental Protection: Text and materials*

Fortin: *Children's Rights and the Developing Law*

Glover-Thomas: *Reconstructing Mental Health Law and Policy*

Goldman: *Globalisation and the Western Legal Tradition: Recurring patterns of law and authority*

Gobert and Punch: *Rethinking Corporate Crime*
 Harlow and Rawlings: *Law and Administration*
 Harris: *An Introduction to Law*
 Harris, Campbell and Halson: *Remedies in Contract and Tort*
 Harvey: *Seeking Asylum in the UK: Problems and prospects*
 Hervey and McHale: *Health Law and the European Union*
 Holder and Lee: *Environmental Protection, Law and Policy*
 Kostakopoulou: *The Future Governance of Citizenship*
 Lacey, Wells and Quick: *Reconstructing Criminal Law*
 Lewis: *Choice and the Legal Order: Rising above politics*
 Likosky: *Transnational Legal Processes*
 Likosky: *Law, Infrastructure and Human Rights*
 Maughan and Webb: *Lawyering Skills and the Legal Process*
 McGlynn: *Families and the European Union: Law, politics and pluralism*
 Moffat: *Trusts Law: Text and materials*
 Monti: *EC Competition Law*
 Morgan and Yeung: *An Introduction to Law and Regulation: Text and materials*
 Norrie: *Crime, Reason and History*
 O'Dair: *Legal Ethics*
 Oliver: *Common Values and the Public-Private Divide*
 Oliver and Drewry: *The Law and Parliament*
 Picciotto: *International Business Taxation*
 Reed: *Internet Law: Text and materials*
 Richardson: *Law, Process and Custody*
 Roberts and Palmer: *Dispute Processes: ADR and the primary forms of decision-making*
 Scott and Black: *Cranston's Consumers and the Law*
 Seneviratne: *Ombudsmen: Public services and administrative justice*
 Stapleton: *Product Liability*
 Tamanaha: *The Struggle for Law as a Means to an End*
 Turpin and Tomkins: *British Government and the Constitution: Text and materials*
 Twining: *General Jurisprudence: Understanding Law from a Global Perspective*
 Twining: *Globalisation and Legal Theory*
 Twining: *Rethinking Evidence*
 Twining and Miers: *How to Do Things with Rules*
 Ward: *A Critical Introduction to European Law*
 Ward: *Law, Text, Terror*
 Ward: *Shakespeare and Legal Imagination*
 Zander: *Cases and Materials on the English Legal System*
 Zander: *The Law-Making Process*

M. Barthélemy, the Dean of the Faculty of Law in the University of Paris, relates that thirty years ago he was spending a week-end with the late Professor Dicey. In the course of conversation M. Barthélemy asked a question about administrative law in this country. 'In England', replied Dicey, 'we know nothing of administrative law; and we wish to know nothing.'

W. A. Robson, 'The Report of the Committee on Ministers' Powers' (1932) 3 *Political Quarterly* 346.

Preface: Three decades of law and administration

Law and Administration has never been simply a textbook of administrative law. As its title signifies, our primary objective in writing it was to further the study of law in the context of public administration and politics: the 'law in context' approach. We need to remind the contemporary reader that the first edition reflected an era of legal formalism when the study of case law, largely divorced from its social context, was seen as the be-all-and-end-all of legal studies. The formalist approach was reflected both in the dominant casebook method of teaching and the leading administrative law textbooks: de Smith's *Judicial Review of Administrative Action* – a title that speaks for itself – and Wade's *Administrative Law*, a slimmer version of the current well respected text.¹ We saw formalism or legal positivism as largely obscuring both the plural character and the wide parameters of administrative law. Our preoccupations, spelled out clearly in the preface to the first edition, were 'process', 'legitimacy' 'competency' and a functionalist concern with effectiveness and efficiency. We made our points through lengthy case studies of administrative process, focusing especially on social security, immigration and planning law.

Our aim was to further a pluralist approach to the study of administrative law. Throughout our book we emphasised that public bodies possessed their own distinctive ethos, so too did the legal profession. Actors were also presented as individuals, holding different opinions and with differing styles; legal academics were likely to be similarly opinionated. We set out to convey this to our readers by allowing them so far as possible to speak in their own voices. This pluralist approach characterises every edition.

In respect of judicial review, we tried, by the inclusion of case studies, to free the case law from the formalist method that had smothered its political connotations and to re-establish the connections between judicial review and its political context. Judges, Sir William Wade acknowledged, were 'up to their necks in policy, as they had been all through history, and nothing could illustrate this more vividly in our own time than the vicissitudes of administrative

¹ Now H. W. R. Wade and C. Forsyth, *Administrative Law*, 10th edn (Oxford University Press, 2009). The main exception, Griffith and Street's *Principles of Administrative Law*, 5th edn (Pitman Paperbacks, 1973) was out of print and virtually unobtainable.

law.’ Judicial review is inevitably controversial, fought out in numerous tiny battles between (as Sir Cecil Carr once put it) ‘those who want to step on the accelerator [and] those who want to apply the brake’. Only by recognising this, we argued, could the legitimacy of the judicial transformation of judicial review (see Chapter 3) and its proper place in the unwritten constitution be evaluated. Public law, as Martin Loughlin has since expressed it, is a form of political discourse. This too is a theme of all three editions.

At the date of our first edition, judicial review had recently emerged from a ‘period of backsliding’ seen by Professor Wade as ‘its lowest ebb for perhaps a century’. The step between Lord Reid’s famous observation that we did not have ‘a developed system of administrative law. . . because until fairly recently we did not need it’ (*Ridge v Baldwin*, 1963) and Lord Diplock’s assurance that ‘this reproach to English law had been removed’ (*O’Reilly v Mackman*, 1983) is a huge one, marking judicial review’s rapid progression. This edition tracks further major change. The Human Rights Act 1998 has shown itself to be an added bedrock for a new and necessarily more inventive form of judicial review, constructed under the supervision of the Court of Human Rights at Strasbourg. The case law of the Court of Justice of the European Communities has also been increasingly important. Both can be seen today as embedded in the national legal order, forcing the domestic law of judicial review to move beyond its traditional common law framework. As we shall see in Chapter 15, procedural change to the domestic system has ushered in a ‘multi-streamed’ system of judicial review whose jurisprudential architecture is sometimes well, and sometimes ill, suited to the increasingly complex range of problems our courts are asked to resolve. All this has grounded new arguments, explored in Chapter 3, concerning the legitimacy and competency of judicial process, today expressed in the vocabulary of ‘deference’ and ‘constitutionalism’.

We have never denied the place for judicial review in our constitution. We have on the other hand argued that adjudication is ‘an expensive form of decision-taking whose competency ought not lightly to be assumed’. Our early exploration of alternative machinery for redress of grievance such as tribunals and ombudsmen has expanded over time to four chapter-long studies of alternative mechanisms of dispute resolution: from tribunals, inquiries, and ombudsmen to internal complaints-handling machinery more appropriate and proportionate than expensive courts (Chapters 10–13). Nor have we been against accountability and control. Our position is as it always has been that control of the executive and administration can and should be exercised in ways complementary to judicial review that may be more effective. Common to every edition therefore have been extended studies of lawmaking and bureaucratic rule-making, forms of control pioneered both by British ‘green light theorists’ and by the American writer Kenneth Culp Davies as an alternative to courts. In this edition such an emphasis is, we feel, amply justified by the growing phenomenon of ‘juridification’ or governance by rules that links the

bureaucratic world (Chapter 5) with that of the regulator (Chapters 6 and 7). The worlds of politics and Parliament have so far been affected to a lesser extent: there is as yet no requirement that the legislator should be rational! Chapter 4 nonetheless documents some of the changes undergone in recent years by the legislative process, partly under the influence of self-scrutinising parliamentary committees. Techniques developed in the administrative process or by regulators are today paralleled in Parliament where we find experiments with impact assessment, pre- and post-legislative scrutiny, public consultation, monitoring and evaluation.

Largely by happenstance, each of our three editions has gone to press on the cusp of a new political era. Looking back at the preface to the first edition, published in 1984, it seems unlikely that we had at that stage fully recognised the significance for administrative law of the 1979 election that had brought Margaret Thatcher's reforming Conservative government to power. It is indeed hard to recall the political background against which we were writing; the end of an era in which the state had happily combined steering and rowing, retaining the central position in a planned economy that it had come to occupy in the course of two world wars. Swathes of nationalised industry and state-run public services remained as yet to be privatised and liberalised. Not surprisingly perhaps, we largely overlooked the soon-to-be-expanded discipline of regulation. By then threatening to occupy the whole terrain of administrative law, this had to await the second, 1997, edition, where it occupied a central position. The second edition also focused on the replacement of traditional modes of 'club' or 'trust' government by 'the objective, Weberian model of standardisation and rules'. Under the label of 'a blue rinse', we tracked the reception into the public services of the methodology of 'New Public Management' and mentality of audit, noting the growing challenge posed to the values of administrative law.

There was some surprise that the election of Tony Blair's New Labour government did not bring paradigm change. 'Contracting out' of public services was not, for example, reversed, though its effects were softened. Public/private partnerships and public finance initiatives greatly increased, bringing pressure for control that the courts largely failed to meet, hence for new methods of accountability (see Chapters 8 and 9). There were further challenges for administrative law from the New Labour programme of constitutional reform: the process of devolution, for example, greatly complicated the structure of the lawmaking process, making it harder to know what is and what is not 'the law' (Chapter 4). Nor can we yet foresee what problems may flow from the process of continual administrative change instituted by New Labour under the rubric of modernisation. It has to be said that the picture which emerges in these pages is not one of competence or efficiency; administrative law has had to respond to failing administrative agencies, government departments declared unfit for purpose, whole-scale losses of government information and other serious failures. How far the constant restructuring of central government

departments and blocking up of agencies into hyper-agencies has contributed to these administrative catastrophes is hard to tell. Equally, how the overhaul of the piecemeal tribunal system in England and Wales by the Tribunals, Courts and Enforcement Act 2007, the recasting of the public inquiry system by the Inquiries Act 2005 and the restructuring of the courts system in the Constitutional Reform Act 2005 will work out in practice is, at the time of writing, far from clear.

Modernisation has been moving us fast into uncharted administrative territory of 'e-governance' empowered by ICT, bringing promise of greater administrative competence but also new threats to civil liberties and human rights. We ourselves see the pervasive New Labour slogans of 'inclusivity', 'responsive governance' and 'community empowerment' and recourse to the 'soft' terminology of openness, accountability, and participation, as deceptive. Equally, it is insufficient to leave everything to courts, a message driven home through the workings of the political process in the context of the so-called 'war against terror'. This is a lesson we need to remember.

At the same time as we have entered the world of 'public-plus-private', of 'governance through contract' and of 'decentred regulation' described in Chapters 6 to 9, we are moving into a larger world of globalized administration and governance. Here states must compete with governance through transnational agencies and networks of assorted public and private actors. Government, as Martin Shapiro defines it, where administration exists 'as a bounded reality' and administrative law 'prescribes behaviour within administrative organizations' and delineates relationships between 'those inside an administration and those outside it', has arguably broken down. No clear boundary exists (if one has ever existed) between the public and the private. New machinery of control and accountability is clearly necessary if the gains of greater political participation and greater transparency of decision-making associated by Alfred Aman with the administrative law of the 1960s and 1970s are not to be lost. To exemplify, the campaign for freedom of information that came to a head in the 1980s has to a certain extent been won; we now have to take on board and resolve the growing concerns over the emergent 'surveillance society' with its impact on privacy and data protection. Once again we seem to be standing on the cusp of a paradigm change, characterised this time by a rapid re-entry of the state into central areas of economic and financial affairs marked out by economic liberals in the last decade of the twentieth century as sacrosanct areas for private enterprise. We can only speculate on the changes that will be required from administrative law and the contribution administrative law will be able to make.

We cannot end without thanking the many people who have helped to bring this edition to press, starting with our families, who have had to suffer much inattention and, from time to time, some grumpiness. Susan Hunt helped with this, as with every, edition. Sylvia Lough played an equally valuable role. We also had much help and encouragement from Mark Aronson, Julia Black, Peter

Cane, Genevra Richardson and Richard Thomas who read and commented on some of the chapters and gave us the benefit of their expertise. We also thank our publishers, and particularly our copy-editor Jeremy Langworthy, for showing patience and understanding.

Carol Harlow,
Richard Rawlings,
March 2009.

Table of Cases

A (Children) (Conjoined Twins: Surgical Separation), Re [2001] 2 WLR 480	701
A and Others v HM Treasury [2008] EWHC 869	15
A and Others v Home Secretary (No 1) [2005] 2 AC 68	14, 128, 131–34, 730
A and Others v Home Secretary (No 2) [2005] 1 WLR 414, CA; [2006] 2 AC 221, HL	14, 130 131, 677, 703
A and Others v UK, Application No. 3455/05 (19 February 2009)	129, 133
ABCIFER v Defence Secretary [2003] EWCA Civ 473	786
AL (Serbia) v Home Secretary [2008] 1 WLR 1434	215
Albert and Le Compte v Belgium (1983) 5 EHRR 533	661
Ali v Birmingham City Council [2008] EWCA Civ 1228	666
Abbey Mine Ltd v Coal Authority [2008] EWCA Civ 353	626, 646
Airey v Ireland (1979) 2 EHRR 305	639
Albion Water Ltd v Water Services Regulation Authority [2006] CAT 23	322
Alcatel: C-81/98 [1999] ECR I-7671	390, 391
Algemene Transport-en Expeditie Onderneming van Gend en Loos NV v Nederlandse Belastingadministratie: 26/62 [1963] ECR I, ECJ	179, 180
Ali (Nakkuda) v MF De S Jayaratne [1951] AC 66, PC	622
Alpharma v Council: T-70/99 [2002] ELR II-3475, CFI	270
Al-Skeini and Others v Defence Secretary [2007] UKHL 26	14, 133, 613
Amministrazione delle Finanze dello Stato v SpA San Giorgio: 199/82 [1983] ECR 3595, ECJ	679, 776
Amphitrite, The. See Rederiaktiebolaget Amphitrite v R	
Anderson v UK (1997) 25 EHRR 172	114
Anisminic Ltd v Foreign Compensation Commission [1969] 2 AC 147, HL	26–30, 100, 369, 510, 511, 729
Anns v Merton London Borough Council [1978] AC 728	760, 763
Arbon v Anderson [1943] KB 252	640
Ashby v White (1703) 2 Ld Raym 938	750, 751, 758, 759
Assistant Deputy Coroner for Inner West London v Channel 4 Television Corporation [2007] EWHC 2513	577
Associated Provincial Picture Houses Ltd v Wednesbury Corpn [1948] 1 KB 223, CA	42, 99, 120, 639, 659, 672, 675, 678, 704, 720
Aston Cantlow and Wilcote with Billesley Parochial Church Council v Wallbank [2003] 3 WLR 283	377, 380
A-G (ex rel McWhirter) v Independent Broadcasting Authority [1973] QB 629	696

A-G v De Keyser's Royal Hotel Ltd [1920] AC 508.....	11, 753
A-G v Great Eastern Rly Co (1880) 5 App Cas 473, HL.....	367
A-G of Hong' Kong v Ng Yuen Shiu [1983] 2 AC 629, PC.....	223
Audit Commission v Ealing Borough Council [2005] EWCA Civ 556.....	218, 728
Austin v MPC [2009] UKHL 5.....	83
Australian Capital Television Pty Ltd v Commonwealth of Australia (1992) 177 CLR 106, HC of A.....	114
AWG Group v Morrison [2006] 1 WLR 1163.....	654
Ayr Harbour Trustees v Oswald (1883) 8 App Cas 623, HL.....	371
Baker v Canada (Minister of Citizenship and Immigration) [1999] 2 SCR 817.....	657
Barrett v Enfield London Borough Council [2001] 2 AC 550.....	767
Bate v Chief Adjudication Officer [1996] 1 WLR 814.....	729
Begum (Runa) v Tower Hamlets LBC [2003] 2 WLR 388.....	637, 663, 665, 666, 718
Belfast City Council v Miss Behavin' Ltd [2007] UKHL 19.....	109, 122, 125, 632, 677, 718
Belize Alliance of Conservation NGOs v Department of the Environment [2004] Env LR 761.....	706
Belize Alliance of Conservation NGOs v Department of the Environment [2003] UKPC 63.....	715
Berkeley v Environment Secretary [2003] 3 WLR 420.....	724
Bernard v Enfield LBC [2001] EWCA Civ 1831.....	772
Birkdale District Electric Supply Co Ltd v Southport Corpn [1926] AC 355, HL.....	371
Black v United Kingdom (2007) 45 EHRR 25.....	639
Blackpool and Fylde Aero Club Ltd v Blackpool Borough Council [1990] 3 All ER 25, CA.....	375
Board of Education v Rice [1911] AC 179, HL.....	624
Boddington v British Transport Police [1999] AC 143.....	682
Bottrill v A [2003] 1 AC 449.....	756
Bradbury v London Borough of Enfield [1967] 1 WLR 1311, CA.....	176, 624
Bradford v McLeod [1986] SLT 244.....	653
Bradley v Jockey Club [2004] EWHC 2164; [2005] EWCA Civ 1056.....	320, 684
Brasserie du Pecheur SA v Germany: C-46/93 [1996] ECR I-1029, ECJ.....	775
British Medical Association v Greater Glasgow Health Board [1989] AC 1211.....	342
British Oxygen Co Ltd v Minister of Technology [1970] 3 WLR 488, HL.....	218, 222, 223
British Transport Commission v Westmorland County Council [1958] AC 126, HL.....	371
Bromley London Borough Council v Greater London Council [1983] 1 AC 768, HL.....	84, 100, 103, 106, 126, 426, 695, 731
Brooks v Commissioner of Police for the Metropolis [2005] UKHL 24.....	770
Bryan (1996) 21 EHRR 342.....	661–63, 665
Bugdaycay v Secretary of State for the Home Department [1987] AC 514, HL.....	116, 705
Burden v United Kingdom, App 13358/05 (29 April 2008).....	730
Burmah Oil v Bank of England [1980] AC 1090.....	705
Burmah Oil Co (Burma Trading) Ltd v Lord Advocate [1965] AC 75.....	26, 753

Bushell v Secretary of State for the Environment [1981] AC 75, [1980] 3 WLR 22, HL	585, 586, 625, 647, 648, 651, 663
Calvin v Carr [1979] 2 WLR 755, PC	626
Campbell v MGN [2004] UKHL 22.....	463
Campbell and Fell v UK (1984) 7 EHRR 137	119
Caparo Industries plc v Dickman [1990] 1 All ER 568, HL	760
Carltona Ltd v Works Comrs [1943] 2 All ER 560, CA	196
Caswell v Dairy Produce Quota Tribunal for England and Wales [1990] 2 AC 738.....	724, 725
Cavanagh and Others v Health Services Commissioner [2005] EWCA Civ 1578.....	563, 564
Chahal v United Kingdom (1996) 23 EHRR 413, ECtHR.....	132, 514, 515
Chandler v DPP [1964] AC 763	14
Charles v Judicial Legal Service Commission [2003] 1 LRC 422.....	629
Chevron USA Inc v NRDC 467 US 837 (1984).....	312
Chief Constable of the North Wales Police v Evans [1982] 1 WLR 115	724
Christie v Leachinsky [1947] AC 573	193
Cinnamond v British Airports Authority [1980] 1 WLR 582.....	625
Clark v University of Lincolnshire & Humberside [2001] WLR 1988	684
Cocks v Thanet District Council [1983] 2 AC 286, HL.....	681
Comatch v Directeur Général des Douanes et Droits Indirects: C-192/95, [1997] ECR I-165.....	776
Commission v CAS Succhi di Frutta SpA: C-496/99 [2004] ECR-I 3801	385
Commission v Council C-176/03 [2005] ECR I-7879.....	263
Commission v Council C-440/05 [2007] ECRI-9097	263
Commission v France: C-304/02 [2005] I-6263.....	279, 385
Commission v France ('Calais Nord'): C-225/98 [2000] ECR I-7455	385
Commission v Ireland: 45/87 [1988] ECR 4035	384
Commission v Spain: 71/92 [1993] ECR I-5923	385
Commission v Spain C-278/01 ECR I-14141	300
Commission v Tetra Laval C-12/03P [2005] ECR I-987	322
Concordia Bus Finland v Helsinki: C-513/99 [2002] ECR I-7213	385
Condron v National Assembly for Wales [2007] LGR 87	658
Conway v Rimmer [1968] AC 910.....	704
Cooke v Social Security Secretary [2001] EWCA Civ 734.....	522
Cooper v Wandsworth Board of Works (1863) 14 CBNS 180	622, 652, 750
Corporate Officer of the House of Commons v Information Commissioner and Dan Leapman et al (2008), IT	479
Corporate Officer of the House of Commons v Information Commissioner and Others [2008] EWHC 1084 Admin.....	479
Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374, HL	10, 98, 105, 107, 115, 176, 223, 317, 346, 625, 626, 647, 648
Credit Suisse v Allerdale Borough Council [1996] 4 All ER 129, CA	369, 370
Credit Suisse v Waltham Forest London Borough Council [1996] 4 All ER 176, CA	369
Crown Lands Comrs v Page [1960] 2 QB 274, CA.....	345

D v NSPCC [1978] AC 171	705
Davey v Aylesbury Vale DC [2007] EWCA Civ 1166.....	693, 715
Davidson v Scottish Ministers [2004] UKHL 34	10, 655
Davies v United Kingdom (2002) 35 EHRR 720	638
Davy v Spelthorne BC [1984] AC 264.....	682
De Cubber v Belgium (1984) 7 EHRR 236	664
De Freitas v Permanent Secretary of Ministry of Agriculture, Fisheries, Lands and Housing [1999] 1 AC 69.....	120
Defrenne v Sabena: 43/75 [1976] ECR 455, ECJ	180
Deutsche Morgan Grenfell Group plc v IRC [2006] 3 WLR 781	777
Dimes v Grand Junction Canal Proprietors (1852) 3 HL Cas 759.....	653
DK (Serbia) v Home Secretary [2006] EWCA 1246.....	519
Dombo Beheer NV v Netherlands (1994) 18 EHRR 213.....	639
Donoghue v Stevenson [1932] AC 562	762
Douglas v Hello [2007] UKHL 21	463
Dowty Boulton Paul Ltd v Wolverhampton Corpn [1971] 1 WLR 204.....	372
Duffy, Re [2008] UKHL 4.....	659
Duncan v Cammell Laird & Co Ltd [1942] AC 624.....	704
Dwr Cymru v Albion Water Ltd [2008] EWCA Civ 536	322
Dyson v Attorney General (No 1) [1911] 1 KB 410, (No 2) [1912] 1 Ch 158.....	670
E v Home Secretary [2004] QB 1044	513, 662
East Suffolk Catchment Board v Kent [1941] AC 74	762
Edwards v SOGAT [1971] Ch 354.....	320
Ellis v Home Office [1953] 2 QB 153.....	704
Entick v Carrington (1765) 2 Wils KB 275.....	750
Errington v Minister of Health [1935] 1 KB 249	622, 651
Ezeh v UK (2002) 35 EHRR 691; (2004) 39 EHRR 1	639
Fairchild v Glenhaven Funeral Services Ltd [2002] UKHL 22	755, 761
Federated Estates v Secretary of State for the Environment [1983] JPL 812	585
Ferrazzini v Italy (2002) 34 EHRR 45.....	637
Findlay, Re [1985] AC 318, HL	228, 229
Findlay v United Kingdom (1997) 24 EHRR 221	652
Finn-Kelcey v Milton Keynes BC [2008] EWCA Civ 1067	690
Fletcher's Application, Re [1970] 2 All ER 527, CA	562
Francis v First Secretary of State and Greenwich LBC [2007] EWHC 2749 Admin.....	585
Francovich and Bonifaci v Italy: C-6, 9/90 [1991] ECR I-5357, ECJ	390, 774, 775
Franklin v Minister of Town and Country Planning [1948] AC 87, HL.....	622, 657
Friends Provident Life & Pensions Ltd v Transport Secretary [2002] 1 WLR 1450.....	663
Freearse v Director General of Telecommunications [2003] CAT 5	321
Fry, ex p [1954] 1 WLR 730, CA	724
Furnell v Whangarei Schools Board [1973] 2 WLR 92.....	652
Garden Cottage Foods v Milk Marketing Board [1984] 1 AC 130.....	775
Gebroeders Beentjes BV v Netherlands: 31/87 [1989] ECR 4365	385

George v Environment Secretary (1979) LGR 689	704
Germany v Commission: 24/62 [1963] ECR 69	632
Gezer v Secretary of State for the Home Department [2004] EWCA Civ 1730	745
Gillick v West Norfolk and Wisbech Area Health Authority [1985] 1 All ER 533, [1986] AC 112, CA	702, 722
Gillies v Work and Pensions Secretary [2006] UKHL 2	489, 656
Glynn v Keele University [1971] 2 All ER 89	724
Goldberg v Kelly (1970) 397 US 254	641
Golder v United Kingdom (1975) 1 EHRR 524, ECtHR	119
Gorringe v Calderdale MBC [2004] UKHL 15	763
Gouriet v Union of Post Office Workers [1978] AC 435	695, 722
Governor Wall's Case (1802) 28 St Tr 51	750
Graham Barclay Oysters Pty Ltd v Ryan; Ryan v Great Lakes Council; State of New South Wales v Ryan [2002] HCA 54	760
Gregory v Camden LBC [1966] 1 WLR 899	695
Halsey v Milton Keynes General NHS Trust [2004] 1 WLR 3002	691
Hammersmith and City Rly Co v Brand 1869 LR 4 HL 171	753
Hampshire CC v Supportways Community Services Ltd [2006] EWCA Civ 1035	376
Hamza v Home Secretary [2002] UKIAT 05185	517
Hannover v Germany (2005) 40 EHRR 1	462
Hardy v Pembrokeshire CC [2006] EWCA Civ 2140	690
Harmon Facades v Corporate Officer of the House of Commons (1999) EWHC Technology 199	775
Harmon Facades v Corporate Officer of the House of Commons (2000) EWHC Technology 84	775
Hazell v Hammersmith and Fulham London Borough Council [1992] 2 AC 1, HL	368–70
Helle v Finland (1998) 26 EHRR 159	638
Helow v Home Secretary [2008] UKHL 62	654
Heylens: 222/86 [1987] ECR 4097, ECJ	617, 632
Hill v Chief Constable of West Yorkshire [1989] AC 42	769, 770
Hillingdon London Borough Council v Commission for Racial Equality [1982] AC 779, HL	311
Hirst v UK: 74025/01 (2005), ECtHR	159
HK (Infant), Re [1967] 2 QB 617	623
Holgate-Mohammed v Duke [1984] AC 437	758
Holmes-Moorhouse v Richmond upon Thames LBC [2009] UKHL 7	719
Home Office v Dorset Yacht Co Ltd [1970] 2 WLR 1140	760
Home Secretary v E [2007] EWHC 233 (Admin)	158
Home Secretary v E [2007] UKHL 47	133
Horvath v SSHD [199] Imm AR 121	512
Huang and Kashmiri v Home Secretary [2007] UKHL 11	120, 121, 147, 320, 519, 520, 727
ID v Home Office [2005] EWCA Civ 38	757
Interbrew SA v Competition Commission [2001] EWHC Admin 367	313, 627