

FOURTH EDITION

Human Rights in the UK

An Introduction to the
Human Rights Act 1998

**David Hoffman &
John Rowe Q.C.**

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An Introduction to the Human Rights Act 1998

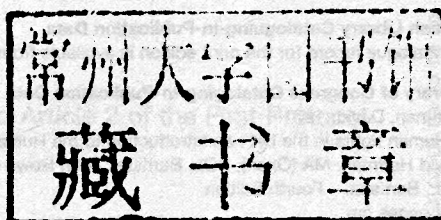
Fourth Edition

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Foreword to the Second Edition (2006)

The Human Rights Act was enacted in 1998 and came into force on 2 October 2000. Two and a half years later the first edition of this text was published. The second edition appears as the Act is in the course of its sixth year in operation.

The subtitle of this text is 'An Introduction to the Human Rights Act 1998'. I understand the reason for the subtitle, as the authors intended this text to be used by students embarking on law studies. However, this subtitle should not deter those who are further advanced in their legal studies, or indeed those practising law, from consulting this book. The reason for this is that, in my view, the work is in fact far more than a mere introduction to the subject. The authors have combined meticulous scholarship with an enviable ability to express matters, however complex, in clear and understandable terms. Using these skills, they cover a developing field, including matters that have come into sharp and public focus recently, such as government measures to control immigration or counter terrorism.

Before the introduction of the Human Rights Act, there was a body of opinion that regarded it as a piece of unnecessary legislation, on the grounds that the common law had developed its own means of protecting human rights. In addition, there were those who forecast that there would be an avalanche of spurious claims (or defences) based on its provisions. The latter has not occurred. As to the former, to my mind the case law in this country over the last six years has clearly demonstrated – as does this work – that the Act has provided an additional and valuable bulwark, helping in a significant way to enshrine in our domestic law the proper protection of the human rights of those in our jurisdiction. Such protection is part of the essential nature of a democratic society.

*Lord Saville of Newdigate
Lord of Appeal in Ordinary
January 2006*

Foreword to the First Edition (2003)

Following the election of the Labour Party in 1997, one of the first announcements by the new Government was of its intention to give people in the United Kingdom direct access to the rights contained in the European Convention on Human Rights. To say that this was a radical idea, considering the established assumption that people in the UK were adequately protected by the common law, and therefore had no need of these 'foreign' rights, is perhaps too mild a description. The keen debate that accompanied the passage of the Human Rights Bill through Parliament, in which I was involved as a Minister, then at the Home Office – the sponsor Department for the Bill, reflected the constitutional significance of the measure. Few were unmoved.

When the Human Rights Act 1998 came into effect on 2 October 2000, it was accompanied by a great deal of publicity, and a good many publications. There is no doubt that the Act presented a considerable challenge, and one that was for lawyers and the courts to deal with in the first instance. However, there was little in the wealth of new literature on the Act that was readily accessible to the interested non-lawyer. Therefore, this work will be very welcome, for not only is it very readable – owing much to the good sense and considerable experience of its authors – it is also comprehensive in its scope.

The reader will find an excellent account of the development of international protection for human rights, the unique constitutional position of the United Kingdom, including the Parliamentary process, and the history of the European Convention. Ordinarily, all of this would be enough for one text, but here it is succinctly and judiciously presented and lays the ground for the main thrust of the work which is, as the title says, *Human Rights in the UK*.

The appearance of this text some two and a half years since the Act came into force, together with all of the contextual material I have just referred to, provides the reader with a sense of perspective, as well as a ready understanding of his or her rights. Clearly, the operation of the Human Rights Act is central to this, and the work presents a balanced analysis, with useful questions at the end of each chapter for the reader to consider against what they have just read. The sections dealing with the relationship between Parliament, the Judiciary and the Executive described by the Act are as good an example as can be found anywhere.

I have no doubt that this text will contribute to the wider development of the human rights culture in the UK.

Lord Williams of Mostyn Q.C. (1941–2003)
(*Lord Privy Seal and Leader of the House of Lords 2001–2003*)

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