

Bailey, Jones & Mowbray

Cases, Materials & Commentary on

Administrative Law

FOURTH EDITION

S.H. Bailey

CASES, MATERIALS AND
COMMENTARY ON
ADMINISTRATIVE LAW

By

S.H. Bailey

FOURTH EDITION

LONDON
SWEET & MAXWELL
2005

First Edition 1977
Second Edition 1992
Third Edition 1997
Fourth Edition 2005

Published in 2005 by
Sweet & Maxwell Ltd, 100 Avenue Road,
Swiss Cottage, London NW3 3PF

(www.sweetandmaxwell.co.uk)

Typeset by
Servis Filmsetting Ltd, Manchester
Printed in England by
MPG Books Ltd, Bodmin, Cornwall

No natural forests were destroyed to make this product:
only farmed timber was used and replanted

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

ISBN 0421 900 709

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

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 acknowledgment of
author, publisher and source must be given.

CASES, MATERIALS AND COMMENTARY
ON ADMINISTRATIVE LAW

AUSTRALIA
Law Book Co.
Sydney

CANADA and USA
Carswell
Toronto

HONG KONG
Sweet & Maxwell Asia

NEW ZEALAND
Brookers
Auckland

SINGAPORE and MALAYSIA
Sweet & Maxwell Asia
Singapore and Kuala Lumpur

PREFACE

This is the fourth edition of a work first published in 1977 under the joint authorship of myself, Charles Cross and Jack Garner. The second and third editions were jointly produced by myself, Brian Jones and Alastair Mowbray. Unfortunately, neither Brian nor Alastair was available for this edition, for which I am solely responsible.

The period since the third edition appeared, in 1997, has coincided with the term in office (to date) of a Labour Government that has been committed to reforms (fundamental and otherwise) across the public sector and in the legal system. Much of interest has happened in and out of the courts. This edition has expanded by comparison with its predecessor for a number of reasons. First, the enactment of the Human Rights Act 1998 has introduced a new dimension to the legal system, with new constraints on the decisions and acts of public bodies. This is dealt with in a new separate chapter. Secondly, the opportunity has been taken to expand the coverage by way of commentary and notes, recognised in the change of title. Thirdly, there have been important areas that have seen significant and ongoing developments, including the codes of practice and conduct concerning decision making in the public sector, and the law concerning duties, the scope of review for error of fact, delegation, estoppel, irrationality, unjustified inconsistency (interference with substantive legitimate expectations) and lack of proportionality, bias and interest, appeals, the procedure for judicial review and civil liability. All this has necessitated much restructuring and rewriting.

I am grateful to the University of Nottingham for a year's study leave, following a six year term as a Pro-Vice-Chancellor, to the publishers for their help and support, to Fiona Hayes and Claire Jennings who typed a large amount of material, and to Brian Jones who contributed comments at the proof stage.

The manuscript was submitted in May 2005, and some more recent developments have been noted.

S.H.B.

August 31 2005

Nottingham

ACKNOWLEDGMENTS

Grateful acknowledgment is made to the following authors and publishers for permission to quote from their works:

Cabinet Office: Extract from *Executive Agencies' Background and Development*.

Cabinet Office: Extract from *Ministerial Code: A Code of Ethics and Procedural Guidance for Ministers*.

Cabinet Office: Extract from *The Civil Service Code*.

Commission for Local Administration in England: Extract from Local Government Ombudsmen Annual Report 2003–04.

HMSO: Controller of HMSO for extracts from Crown and Parliamentary copyright material.

HM Treasury: Extract from Budget Report 2005 (2004–05 HC 372).

HM Treasury: Extract from PFI: Meeting the Investment Challenge (July 2003).

M. Harris and M. Partington (eds) *Administrative Justice in the 21st Century* (Oxford, Hart Publishing, 1999)

Lord Hoffmann in E. Ellis (ed) *The Principle of Proportionality in the Laws of Europe* (Oxford, Hart Publishing, 1999)

While every care has been taken to establish and acknowledge copyright, and contact copyright owners, the publishers tender their apologies for any accidental infringement. They would be pleased to come to a suitable arrangement with the rightful owners in each case.

TABLE OF CASES

6, 8, 10 and 12 Elm Avenue, New Milton, Re (1984)	509
56 Denton Road, Twickenham, Re (1953)	519, 520, 522
A v B plc (2002)	300
A v Bottrill (2002)	1040
A v Essex CC (2003)	1069
A v Secretary of State for the Environment	388
A v Secretary of State for the Home Department (2004)	706
A v Secretary of State for the Home Department; X v Secretary of State for the Home Department (2005)	271, 315, 316, 349, 350, 351, 374, 395
A v UK (1998)	372
AB v South West Water Services Ltd (1993)	1040
ACT Construction Ltd v Customs and Excise Commissioners (1982)	821, 824, 825
Abbott v Sullivan (1952)	467
Abdulaziz, Cabales and Balkandali v UK (1985)	322
Able v United States (1995)	583
Ackerley v Parkinson (1815)	1092
Adams v Bracknell Forest BC (2004)	1067
Agricultural, Horticultural and Forestry Industry Training Board v Aylesbury Mushrooms Ltd (1972)	643, 646, 872, 897
Ahmed v UK (1995)	319, 388
Airedale NHS Trust v Bland (1993)	1030
Airey v Ireland (1979)	918
Akenzua v Secretary of State for the Home Department (2003)	1100
Aksoy v Turkey (1996)	334, 354, 360
Albert and Le Compte v Belgium (1983)	377, 378
Alexander Machinery (Dudley) Ltd v Crabtree (1974)	848
Alexandrou v Oxford (1993)	1063
Ali v Jayaratne. <i>See</i> Nakkuda Ali v M.F de S. Jayaratne	
Allan Jacobsson v Sweden (1989)	376
Allen v Flood (1898)	1091
Allen v Gulf Oil Refining Ltd (1981)	1041, 1045, 1076
Allingham v Minister of Agriculture and Fisheries (1948)	862
Allsop v Noth Tyneside MBC (1992)	397
Al-Mehdawi v Secretary of State for the Home Department (1990)	652, 715, 719
Amec Capital Projects Ltd v Whitefriars City Estates Ltd (2004)	773
American Cyanamid Co v Ethicon Ltd (1975)	972, 973
An Bord Bainne Co-operative Ltd (Irish Dairy Board) v Milk Marketing Board (1984)	989
Ancell v McDermott (1993)	1063
Andersson and Kullman v Sweden (1986)	323
Anderton v Auckland City Council (1978)	780
Andrew v Mitchell (1905)	670
Anisminic Ltd v The Foreign Compensation Commission (1969)	421, 422, 429, 436, 449, 450, 452, 453, 454, 456, 551, 810, 811, 816, 827, 862, 863, 866, 869, 880, 884, 885, 887, 903, 906, 912, 913, 914, 915, 916, 979, 980, 981, 982, 984
Annamunthodo v Oilfield Workers' Trade Union (1961)	670, 675
Anns v Merton LBC (1978)	190, 1047, 1048, 1076, 1077, 1078, 1079, 1080, 1083, 1086, 1088
Anufrijeva v Southwark LBC (2003)	320, 321, 324, 327, 328, 338, 385
Arlidge's Case	468
Arsenal Football Club Ltd v Ende (1979)	997, 1003
Ashbridge Investments Ltd v Minister of Housing and Local Government (1965)	380, 425, 807, 808, 810, 811, 812, 814, 826, 827, 830, 912

Ashbury Ry Co v Riche (1875)	392, 393
Ashby v White (1703)	1090, 1092, 1098
Asher v Secretary of State for the Environment (1974)	145, 527
Ashingdane v UK (1985)	1070
Ashton, Re (1994)	918
Ashworth Hospital Authority v MGN Ltd (2001)	1026
Askar v UK (1995)	328
Aslam v South Bedfordshire DC (2001)	829
Associated Provincial Picture Houses Ltd v Wednesbury Corp (1948)	178, 194, 238, 243, 344, 346, 347, 360, 381, 401, 429, 430, 434, 452, 455, 462, 463, 485, 494, 495, 545, 549, 551, 561, 562, 569, 570, 574, 575, 576, 578, 579, 580, 585, 587, 588, 589, 594, 596, 597, 598, 599, 600, 601, 603, 611, 614, 621, 624, 625, 626, 627, 628, 629, 632, 633, 676, 695, 789, 799, 801, 802, 810, 821, 827, 863, 864, 874, 878, 882, 885, 889, 890, 909, 962, 1030, 1047
Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank (2003)	317, 940, 944, 945, 948
Att-Gen v Bastow (1957)	1025
Att-Gen v Belfast Corp (1855)	538
Att-Gen v Briant (1846)	710
Att-Gen v De Keyser's Royal Hotel Ltd (1920)	265
Att-Gen v De Winton (1906)	1025
Att-Gen v Fulham Corp (1921)	391, 1025
Att-Gen v Great Eastern Ry Co (1880)	391, 393, 395
Att-Gen v Harris (1961)	1025
Att-Gen v IBA (1973)	1026, 1027
Att-Gen v Manchester Corp (1906)	393, 397
Att-Gen v Manchester Corp (1931)	433
Att-Gen v PYA Quarries (1957)	1025
Att-Gen v Ryan (1980)	916
Att-Gen v Smethwick Corp (1932)	393
Att-Gen v Wilson (1840)	539, 542, 543
Att-Gen v Wilts United Dairies (1922)	544
Att-Gen Ex rel. McWhirter v IBA (Warhol Case) (1973)	1025
Att-Gen Ex rel. Scotland v Barrett Manchester Ltd (1991)	523, 1028
Att-Gen Ex rel. Tilley v Wandsworth LBC (1981)	410, 1028
Att-Gen Ex rel. Yorkshire Derwent Trust Ltd v Brotherton (1992)	1028
Att-Gen of Gambia v N'Jie (1961)	859
Att-Gen of Hong Kong v Ng Yuen Shiu (1983)	594, 691, 698, 699
Att-Gen for New South Wales v Quin (1990)	699
Att-Gen's Reference (No. 2 of 2001) (2003)	383
Att-Gen's Reference (No. 3 of 1999) (2001)	643
Att-Gen's Reference (No. 3 of 2003) (2004)	1100
Auckland Casino Ltd v Casino Control Authority (1995)	787
Auckland Harbour Board v R (1924)	1107
Ayr Harbour Trs v Oswald (1883)	495, 496, 498, 499, 500, 501, 502, 504
Ayuntamiento de Mula v Spain (1991)	317
B v Secretary of State for the Home Department (2000)	621
B Johnson & Co (Builders) Ltd v Minister of Health (1947)	379, 483, 733
BBC News (2000)	542
Backhouse v Lambeth LBC (1972)	574
Bagg's Case (1615)	660
Bailey v Williamson (1873)	217, 235
Balfour v Foreign and Commonwealth Office (1994)	711
Banks Horticultural Products Ltd v Secretary of State for the Environment (1979)	815
Bannister v Secretary of State for the Environment (1994)	859
Barking and Dagenham LBC v Jones (1999)	1026, 1027
Barnard v National Dock Labour Board (1953)	466, 468
Baroness Wenlock v River Dee Company (1884-85)	393
Barraclough v Brown (1987)	1032

Barrett v Enfield LBC (2001)	1065, 1069, 1070, 1071, 1072, 1087, 1089
Barrs v Bethell (1982)	1009
Barry v Government of Portugal (2000)	478
Batayav's Case (2003)	838
Bates v Lord Hailsham of Marylebone (1972)	211, 720, 1028
Battelley v Finsbury BC (1958)	466
Beaundesert Shire Council v Smith (1966)	1091
Bedfordshire CC v Fitzpatrick Contractors Ltd (2001)	874
Behluli v Secretary of State for the Home Department (1998)	616
Belgian Linguistic Case (No. 2) (1968)	365, 367, 388
Bell and Colvill Ltd v Secretary of State for the Environment (1980)	811
Bellinger v Bellinger (Lord Chancellor intervening) (2003)	309, 311, 315, 323, 388
Bellize Alliance of Conservation Non-Governmental Organisations v Department of the Environment (2003)	973
Belmarsh Prisoners Case	340
Bendles Ltd v Bristol Corp (1963)	816, 817, 818, 826
Benet v Metropolitan Police Commissioner (1995)	1098
Benham v UK (1996)	731, 864
Bensaid v UK (2001)	320
Berkeley v Secretary of State for the Environment (2001)	848
Best v Secretary of State for the Environment (1997)	479
Birkdale District Electric Supply Co Ltd v Southport Corp (1926)	495, 496, 497, 502, 504
Birkett v James (1978)	992
Birmingham City Council v Equal Opportunities Commission (1989)	1032
Birmingham Corp v Minister for Housing and Local Government and Habib Ullah (1964)	818
Bizon v Secretary of State for the Environment (1976)	859
Blackburn v Att-Gen (1971)	266, 1031
Blackpool Corp v Locker (1948)	466
Blaizot v University of Liege (1988)	1106
Board of Education v Rice (1911)	146, 652, 680, 716
Boddington v British Transport Police (1999)	251, 262, 877, 893
Bolam v Friern Hospital Management Committee (1957)	1060, 1068
Bolton MDC v Secretary of State for the Environment (1995)	853, 975
Borgers v Belgium (1991)	768
Bourgoin SA v Ministry of Agriculture, Fisheries and Food (1986)	1091, 1092
Bovis Homes Ltd v New Forest DC (2002)	755, 785
Bowden v South West Water Services (1998)	1062
Bowman's Case (1932)	424
Boyce v Paddington Corp (1903)	1008, 1009, 1026
Bracegirdle v Oxley (1947)	818, 826
Bradbury v Enfield LBC (1967)	642
Bradford Corporation v Pickles (1895)	1091
Bradlaugh, Ex p. (1878)	449, 905
Bradley v Jockey Club (2004)	688, 954
Brannigan and McBride v UK (1994)	354
Brasserie du Pecheur SA v Germany; R v Secretary of State for Transport Ex p. Factortame Ltd (1996)	1040, 1096
Brayhead (Ascot) Ltd v Berkshire CC (1964)	636, 846, 849
Breen v Amalgamated Engineering Union (1971)	684, 685
Brent LBC v Reynolds (2001)	799
Bristol DC v Clark (1975)	551
Bristol Meeting Room Trust Trs v Secretary of State for the Environment (1991)	836
British Launderers Association v Borough of Hendon Rating Authority (1949)	817
British Medical Association v Greater Glasgow Health Board (1989)	21
British Oxygen Co Ltd v Minister of Technology (1971)	7, 84, 488, 490, 491, 494, 534, 596, 603
British Railways Board v Pickin (1974)	1031
British Steel Plc v Customs and Excise Commissioners (1996)	987, 989
British Telecommunications plc v Gloucester CC (2001)	383
British Transport Commission v Westmorland CC (1958)	496, 501
Britnell v Secretary of State for Social Security (1991)	232
Broadmoor Special Hospital Authority v R (2000)	1026

Brocks v Commissioner of Police of the Metropolis (2005)	1063
Brogan v UK (1988)	359, 360
Bromley LBC v Greater London Council (1982)	246, 561
Brookdene Investments v Minister of Housing and Local Government (1970)	811
Brooks v Earl of Rivers	752
Broome v Cassell & Co (1972)	1040
Brown v Heathlands Mental Health NHS Trust (1996)	509
Brown v Stott (2003)	300
Bryan v UK (1995)	378, 384
Buckley v UK (1996)	385
Bugg v DPP (1993)	878, 883, 884, 885, 889, 890, 891, 892, 893
Bunbury v Fuller (1853)	423, 424, 444
Burdle v Secretary of State for the Environment (1972)	826
Burmah Oil Co v Lord Advocate (1965)	265, 695
Bushell v Secretary of State for the Environment (1981)	111, 145, 246, 379, 479, 652, 681, 731, 739
Butler, Camberwell (Wingfield Mews) (No. 2) Clearance Order 1936, Re (1939)	428, 809
Buxton v Minister for Housing and Local Government (1961)	859
CEMI Ltd, Re (1987)	971
C v Flintshire CC (2001)	1065
CF v Secretary of State for the Home Department (2004)	491
CREEDNZ. Inc v Governor-General (1981)	549
Cakabay v Secretary of State for the Home Department (No. 2) (1999)	435
Calvey v Chief Constable of the Merseyside Police (1989)	1063, 1091
Calvin v Carr (1980)	725, 740, 743, 862, 867, 1021
Campbell v Paddington Corp (1911)	1041
Campbell v Secretary of State for the Home Department (1988)	314
Campbell v UK (1992)	341
Campbell v Wallsend Slipway & Engineering Co Ltd (1978)	58
Cannock Chase DC v Kelly (1978)	565, 966
Caparo Industries plc v Dickman (1990)	1049, 1053, 1055, 1066, 1068, 1078
Capel v Child (1832)	671
Capital & Counties plc v Hampshire CC (1997)	418, 1063, 1089
Caradon DC v Cheeseman (2000)	893
Carltona Ltd v Commissioners of Works (1943)	7, 472, 473, 474, 476, 477, 478, 479, 481
Carmarthenshire CC v Lewis (1955)	1065
Carty v Croydon LBC (2005)	1068, 1069
Case of Proclamations (1611)	265
Cassidy v Ministry of Health (1951)	1050
Chagos Islanders v Att-Gen (2004)	1099
Chahal v UK (1996)	355, 357, 373, 705
Chandler v DPP (1964)	692
Chapman v Earl (1968)	853, 862
Chapman v UK (2001)	303, 323, 378, 385
Chassagnou v France (1999)	358
Cheall v APEX (1983)	675
Cheshire CC v Secretary of State for the Environment (1988)	481
Chief Adjudication Officer v Foster (1993)	853, 891
Chief Constable of North Wales Police v Evans (1982)	670, 691, 867, 872
Chromex Nickel Mines Ltd, Re (1970)	741
Chundawadra v Immigration Appeal Tribunal (1988)	616
Chung Tak Lam v Brennan and Torbay BC (1997)	1063
Church of Jesus Christ of Latter Day Saints (Great Britain) v West Yorkshire Fire and Civil Defence Authority (1997)	1062, 1063
Cinnamond v British Airports Authority (1980)	675, 681, 700
City of London Corporation v Bovis Construction Ltd (1988)	1026
Clark v University of Humberside (2000)	989, 991
Clark and Ontario Securities Commission, Re (1966)	741
Clifford and O'Sullivan, Re (1921)	951
Clough v Bussan (1990)	1063
Coats Paton (Retail) Ltd v Birmingham Corp (1971)	1066
Cocks v Thanet DC (1983)	986, 987

Coleen Properties Ltd v Minister of Housing and Local Government (1971)	807, 812, 815, 826
Colman v Eastern Countries Ry Co (1846)	596
Commissioners of Crown Lands v Page (1960)	496, 505
Company of Mercers and Ironmongers of Chester, The v Bowker	752
Congreve v Home Office (1976)	257, 525, 543, 598
Conka v Belgium (2002)	364
Connors v UK (2004)	386
Cook v Southend BC (1987)	854
Cook v Southend BC (1990)	855, 860
Cook's Application, Re (1986)	1024
Cooper v Wandsworth Board of Works (1863)	254, 653, 662, 671, 709, 1041
Cooper v Wilson (1937)	661, 754, 778, 784, 863
Cornelius v Hackney LBC (2002)	1099
Council of Civil Service Unions v Minister for the Civil Service (1985)	242, 251, 265, 388, 452, 570, 574, 596, 602, 603, 612, 621, 627, 628, 671, 690, 697, 699, 707, 870, 878, 962, 1027
Covent Garden Community Association Ltd v Greater London Council (1981)	1004
Cox v Green (1966)	1031
Cozens v Brutus (1973)	817, 822, 823
Crabb v Arun DC (1976)	523
Crake v Supplementary Benefits Commission (1982)	829, 848
Crampton v Secretary of State for Health (1993)	113
Crane v DPP (1921)	867
Credit Suisse v Allerdale BC (1997)	397, 864, 1037
Credit Suisse v Waltham Forest LBC (1997)	397
Crouther's Case (1599)	1100
Cullen v Morris (1819)	1092
Cullimore v Lyme Regis Corp (1962)	645, 646
Curtis v London Rent Assessment Committee (1997)	849, 850
Cutler v Wandsworth Stadium Ltd (1949)	1043, 1044
Czarnikow v Roth Schmidt & Co (1922)	454
D v East Berkshire Community Health NHS Trust (2005)	1073
DEFRA v Robertson (2004)	7, 466
DP & JC v UK (2003)	373
Darlassis v Minister of Education (1954)	483
Darlington BC v Kaye (2004)	799
Darlington Case	661
Davies v Price (1958)	439
Davis v Radcliffe (1990)	1063, 1091
Davis v Bromley Corporation (1908)	1090
Davy v Spelthorne BC (1984)	958, 987
Dawkins v Antrobus (1879)	662
Daymond v Plymouth City Council (1976)	897, 898, 901
De Cubber v Belgium (1984)	768
De Falco v Crawley BC (1980)	973
De Freitas v Permanent Secretary of Ministry of Agriculture, Fisheries, Lands and Housing (1999)	344, 355
De Verteuil v Knaggs (1918)	662, 668, 741
Dean v Bennett (1870)	660
Delcourt v Belgium (1970)	768
Dennis Rye Pension Fund Trs v Sheffield City Council (1998)	989
Department of Transport v Chris Smaller (Transport) Ltd (1989)	993
Department of Transport v North West Water Authority (1984)	1041
Derbyshire CC v Times Newspapers Ltd (1993)	259
Dillenkofer v Federal Republic of Germany (1997)	330
Dimes v Grand Junction Canal Proprietors (1852)	751, 754, 757, 786, 863, 1023
DPP v Brown (Andrew Earle) (2001)	894
DPP v Head (1959)	879, 880, 884
DPP v Hutchinson (1990)	891, 894, 901, 902
DPP v Memery (2002)	894
Doll-Steinberg v Society of Lloyd's (2002)	955

Donoghue v Poplar Housing and Regeneration Community Association (2001)	302
Donoghue v Stevenson (1932)	1073
Dorot Properties Ltd v Brent LBC (1990)	1022
Dowty Boulton Paul Ltd v Wolverhampton Corp (1971)	506
Dowty Boulton Paul Ltd v Wolverhampton Corp (No. 2) (1976)	431, 435
Drewe v Coulton (1787)	1092
Drover v Rugman (1951)	796
Dunkley v Evans (1981)	896, 898, 901
Dunlop v Woollahra Municipal Council (1982)	1091
Dunnachie v Kingston-upon-Hull CC (2004)	673
Dunne v N.W. Gas Board (1964)	1041
Duport Steels Ltd v Sirs (1980)	264
Durayappah v Fernando (1967)	671, 709, 861, 862
Dyson v Att-Gen (1911)	1028
E v Secretary of State for the Home Department; R v Secretary of State for the Home Department (2004)	591, 810, 821, 826, 828
E v UK (2003)	373
E (a Minor) v Dorset CC; Christmas v Hampshire CC (1995)	1042, 1067
Earl Fitzwilliam's Wentworth Estates Co Ltd v Minister of Town and Country Planning (1951)	566
Earthline Ltd v Secretary of State for Transport, Local Government and the Regions (2002)	917
East Barnet UDC v British Transport Commission (1962)	818
East Hampshire DC v Secretary of State for the Environment (1978)	811
East Suffolk Rivers Catchment Board v Kent (1941)	1076, 1077, 1078, 1080, 1082, 1087
Eastbourne BC v Foster (2001)	876
Eastwood v Magnox Electrics plc; McCabe v Cornwall CC (2004)	673
Edinburgh DC (City of) v Secretary of State for Scotland (1985)	578
Edwards (Inspector of Taxes) v Bairstow (1956)	695, 819, 820, 821, 822, 825, 826, 833, 853
Edwards v UK (2002)	113, 372
Eleko v Officer Administering the Government of Nigeria (1931)	434
Elguzouli-Daf v Commissioner of Police of the Metropolis (1995)	1064
Elliot v Brighton BC (1980)	853
Elliot v Chief Constable of Wiltshire (1996)	1098
Elliot v Chief Constable of Wiltshire Constabulary (1998)	1099
Ellis v Dubowski (1921)	470, 573
Enderby Town Football Club Ltd v Football Association Ltd (1971)	728
Engel v Netherlands (1976)	383
English v Emery Reimhold & Strick Ltd (Practice Note) (2002)	847
Entick v Carrington (1765)	67
Ephraim v Newham LBC (1992)	1063, 1070
Errington v Minister of Health (1935)	738, 777, 811
Eshugbayi Eleko v Government of Nigeria (1931)	892
Estate and Trust Agencies (1927) Ltd v Singapore Improvement Trust (1937)	449
Evans v London Hospital Medical College (University of London) (1981)	1057
Evans v University of Cambridge (2002)	963
Ezeh and Connors v UK (2002)	383
F (Mental Patient: Sterilisation), Re (1990)	1030
F Hoffman-La-Roche & Co v Secretary of State for Trade and Industry (1975)	862, 865, 872, 873, 881, 883, 887, 892
FGC Metropolitan Properties Co Ltd v Lannon (1969)	147
Fairmount Investments v Secretary of State for the Environment (1976)	838
Fawcett Properties Ltd v Buckingham CC (1961)	237
Fayed v UK (1994)	1070
Federal Commerce & Navigation Co Ltd v Molena Alpha Inc (1978)	147
Feld v Barnet LBC; Pour v Westminster CC (2004)	773
Fedesa (1990)	631
Feldbrugge v Netherlands (1986)	383
Findlay, Re (1985)	551, 594, 595, 599, 600, 601, 602, 617, 694, 837
Finucane v UK (2003)	372
Firth v Staines (1897)	466
Fisher v Jackson (1891)	661

Fisher v Keane (1878)	662
Fitzpatrick v IRC; Smith (Inspector of Taxes) v Abbott (1994)	825
Fitzpatrick v Secretary of State for the Environment (1990)	481
Fitzpatrick v Sterling Housing Association Ltd (2001)	306, 307
Flannery v Halifax Estate Agencies Ltd (t/a Colleys Professional Services) (2000)	847
Fogarty v UK (2001)	1071
Foster v Eastbourne BC (2004)	862, 876
Fox, Campbell & Hartley v UK (1990)	359, 360
Francovich v Italy (1991)	1039
Franklin v Minister of Town and Country Planning (1948)	485, 751, 774, 781, 807, 808
Fraser v Mudge (1975)	728, 729
Fraser v Secretary of State for the Environment (1987)	481
Fredin v Sweden (1991)	376
Fretté v France (2003)	304, 359
Friends of the Earth Ltd, Re (1987)	1016
Furnell v Whangarei School Board (1973)	657
G v Bromley LBC	1067
G v G (1985)	803
G v Secretary of State for the Home Department (2004)	357
Gambia v N’Jie (1961)	855
Garcia Alva v Germany (2001)	358
Garrett v Att-Gen (1997)	1093
Gaygusuz v Austria (1996)	364
Geddis v Proprietors of Bann Reservoir (1878)	1044, 1045
George v Secretary of State for the Environment (1979)	675, 983
George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd (1983)	821
Georgiou v Enfield LBC (2004)	785
Geveran Trading Co Ltd v Skjevesland (2002)	773
Ghadami v Harlow DC (2004)	785
Ghaidan v Godin-Mendoza (2004)	303, 313, 366, 388
Gillick v West Norfolk and Wisbech Area HA (1986)	991, 1029
Glaser v UK (2000)	322
Global Plant Ltd v Secretary of State for Social Services (1972)	820
Glossop v Heston and Isleworth Local Board (1879)	1101
Glynn v Keele University (1971)	674, 1028
Godwin v Rossendale BC (2002)	646
Gold v Essex CC (1942)	1050, 1059
Golden Chemical Products Ltd, Re (1976)	476
Golden Ocean Assurance Ltd v Martin (1990)	642
Golder v UK (1975)	377, 384, 918
Goldman v Hargrave (1967)	1075, 1101
Goodwin v UK (2002)	388
Gorringe v Calderdale MBC (2004)	1088, 1089
Gotkas v Government Insurance Officer of NSW (1992)	787
Gouriet v Union of Post Office Workers (1978)	268, 986, 999, 1000, 1008, 1009, 1010, 1025, 1026, 1027, 1029, 1031
Graham v Teesdale (1981)	538
Grand Junction Canal Co v Petty (1888)	498
Grant v DPP (2003)	894
Grayan Building Services Ltd, Re (1995)	823
Great House of Sonning Ltd, The v Berkshire CC (1996)	990
Great Portland Estates plc v Westminster City Council (1984)	842
Greek Case, The (1969)	352
Green v Blake (1948)	686
Green v Minister of Housing and Local Government (1967)	839
Greenwich Board of Works v Maudslay (1870)	498
Gregory v Camden LBC (1966)	859, 986
Gregory v UK (1997)	768
Gribler v Harrow LBC (2000)	1063
Groves v Wimborne (Lord) (1898)	1043
Grunwick Processing Laboratories Ltd v Advisory Conciliation and Arbitration Service (1978)	867

Gül v Switzerland (1996)	323
H v UK (1987)	327, 328
HK (An Infant), Re (1967)	652, 671, 676, 680, 685, 709
HTV Ltd v Price Commission (1976)	598, 838
H Sabey & Co v Secretary of State for the Environment (1978)	811
Haile (2002)	836
Halford v UK (1997)	334
Hall & Co Ltd v Shoreham-by-Sea UDC (1964)	257
Halsey v Milton Keynes General NHS Trust: Steel v Joy (2004)	95
Hamilton v Secretary of State for Scotland (1972)	914
Hammersmith Ry v Brand (1869)	1041, 1045
Hammersmith Rent-Charge Case	655
Hampshire CC v Beer	316, 317
Handyside v UK (1976)	339, 360
Hanks v Minister of Housing and Local Government (1963)	566, 567, 807
Hargrave v Goldman (1963)	1073, 1074
Haringey LBC v Awartife (1999)	646
Harman v Butt (1944)	573
Harman v Tappenden (1801)	1092
Harris v Wyre Forest DC (1990)	1066
Harrow LBC v Qazi (2004)	320, 385
Hatton v UK (2003)	358, 385
Hauptzollamt Hamburg-Jonas v Werner Faust OHG (1991)	631
Hauptzollamt Hamburg-Jonas v Wunsche Handelsgesellschaft mbH and Co K.G. (1991)	631
Hauschildt v Denmark (1989)	768, 772
Hazell v Hammersmith and Fulham LBC (1990)	396
Hazell v Hammersmith and Fulham LBC (1992)	1103
Heath v Commissioner of Police for the Metropolis (2004)	1102
Hedley Byrne & Co Ltd v Heller and Partners Ltd (1964)	620, 1066
Henderson v Merrett Syndicates Ltd (1994)	1050, 1055, 1056, 1066
Henry Boot Homes Ltd v Bassetlaw DC (2002)	614
Henry Moss Ltd v Customs and Excise Commissioners (1981)	853
Hertfordshire Investments Ltd v Bubb (2000)	839
Hewitt and Harman and N v UK (1989)	704
Hill v Chief Constable of West Yorkshire (1989)	1049, 1053, 1055, 1063, 1071, 1081
Hinchy v Secretary of State for Work and Pensions (2003)	478
Hirst v UK (No. 2) (2004)	389
Hobbs v UK (2000)	300
Hogg v Scott (1947)	661
Hollis (1984)	837
Hollis v Secretary of State for the Environment (1982)	836, 859
Home Office v Dorset Yacht Co (1970)	1041, 1045, 1047, 1048, 1053, 1057, 1062, 1064, 1074, 1076, 1077
Hope v Secretary of State for the Environment (1975)	851, 852
Hopkins v Secretary of State for Defence (2004)	298
Hopkins v Smethwick Local Board of Health (1890)	662
Hotel and Catering Industry Training Board v Automobile Proprietary Ltd (1969)	231, 897
Hoveringham Graveks Ltd v Secretary of State for the Environment (1975)	527
Howard v Bodington (1877)	635
Howard v Borneman (No. 2) (1976)	457
Howell v Falmouth Boat Construction Co (1951)	511
Howker v Secretary of State for Work and Pensions (2002)	211, 651, 893
Huang v Secretary of State for the Home Department (2005)	351
Hughes v Department of Health and Social Security (1985)	603
Huth v Clarke (1890)	464, 466
ID v Home Office (2005)	989, 993, 1101
IH (2003)	314
ISKON v UK (1994)	378
Ibrelebbe v R (1964)	1099
Imperial Tobacco Ltd v Att-Gen (1981)	1025
Income Tax Special Commissioners v Linsleys (Established 1894) Ltd (1958)	996
Indrakumar v Secretary of State for the Home Department (2003)	800, 802, 803

IRC v National Federation of Self-Employed and Small Businesses Ltd (1982)	968, 970, 974, 1005, 1031
IRC v Rossminster Ltd (1980)	591
IRC v Scottish and Newcastle Breweries Ltd (1982)	820
Inner London Education Authority v Department of the Environment (1983)	990
Invercargill City Council v Hamlin (1994)	1083
Irani v Southampton and South-West Hampshire HA (1985)	672
Ireland v UK (1978)	352, 354, 367, 369, 372
Isaacs v Robertson (1985)	456
Islington LBC v Camp (2004)	396
Islington LBC v Secretary of State for the Environment; Stockport MBC v Secretary of State for the Environment (1980)	808
Islington Vestry v Hornsey UDC	1028
JH Rayner (Mincing Lane) Ltd v Department of Trade and Industry (1990)	299, 616
Jagendorf v Secretary of State for the Environment (1987)	836, 837
James v UK (1986)	388
Jefferies v New Zealand Dairy Production and Marketing Board (1967)	469
John v Rees (1970)	674, 713
John Dee Ltd v Customs and Excise Commissioners (1995)	799
John Munroe (Acrylics) Ltd v London Fire and Civil Defence Authority (1997)	1063
Johnson v Sargant & Sons (1918)	219, 221
Johnson v Unisys Ltd (2001)	673
Johnston v Chief Constable of the Royal Ulster Constabulary (1986)	903
Jones v DAS Legal Expenses Insurance Co (2003)	755, 773, 786
Jones v Department of Employment (1989)	905, 1064, 1103
Jones v Robson (1901)	219, 221
Jones v Swansea City Council (1990)	541, 1091, 1092, 1098, 1099
Jones v Welsh Rugby Football Union (1997)	688
Jordan v UK (2001)	372
Judges, The v Att-Gen for Saskatchewan (1937)	786
K v Secretary of State for the Home Department (2002)	1064
Kanda v Government of Malaya (1962)	675, 702, 708
Kaplan v UK (1980)	376, 377
Karner v Austria (2003)	306
Kava v Turkey (1998)	372
Keating v Bromley LBC (1995)	1042
Kelangin (2004)	805
Kent v Griffiths (No. 2) (2001)	1064, 1070
Kent CC v Batchelor (No. 2) (1979)	1026
Khan v Secretary of State for the Home Department (2003)	836
Khan v Newport BC (1991)	916
Kibiti v Secretary of State for the Home Department (2000)	839
King, The v The Chancellor of Cambridge	657
Kingsley v UK (2001)	786
Kirby v School Board for Harrogate (1896)	509
Kirklees MBC v Wickes Building Supplies Ltd (1993)	881, 1027
Kleinwort Benson Ltd v Birmingham City Council (1997)	1107
Kleinwort Benson Ltd v Lincoln City Council (1999)	1106
Kleinwort Benson Ltd v South Tyneside MBC (1994)	1107
Kodeeswaran v Att-Gen of Ceylon (1970)	961, 964
Kopp v Switzerland (1998)	334
Korematsu v United States (1984)	361
Kruse v Johnson (1898)	234, 548, 553, 576, 580, 599, 878, 882
Kuddus v Chief Constable of Leicestershire Constabulary (2001)	1040, 1100
Kurt v Turkey (1998)	358, 372
L (A child) v Reading BC (2001)	1065
L.G.B v Arlidge (1915)	680
Lack v Doggett (1970)	458
Ladd v Marshall (1954)	828, 839, 840
Laker Airways v Department of Trade (1977)	461, 598, 616
Lam v UK (1998)	384, 918, 1018, 1095
Lambert v West Devon BC (1997)	1066

Lancashire CC v Taylor (2005)	316
Lapointe v L'Association de Bienfaisance et de Retraite de la Police de Montreal (1906)	662, 670
Lardner v Renfrewshire Council (1997)	856
Larner v Solihull MBC (2001)	1088
Lavender v Minister of Housing and Local Government (1970)	456, 482, 487, 807
Law v National Greyhound Racing Club Ltd (1983)	952, 953, 962
Lawal v Northern Spirit Ltd (2003)	773
Lawless v Ireland (No. 3) (1961)	340, 352, 354, 369, 371
Le Compte, Van Leuven and De Meyere v Belgium (1981)	377
Leander v Sweden (1987)	385
Leary v National Union of Vehicle Builders (1971)	741, 743
Lee v Department of Education and Science (1967)	986
Lee v Showmen's Guild of Great Britain (1952)	467
Leech v Parkhurst Prison Deputy Governor (1988)	722, 962, 1032
Leonard Cheshire	316
Lester and Pannick	319, 349
Lever (Finance) Ltd v Westminster Corp (1971)	511, 517, 518, 519
Levy v Marrable & Co (1984)	849
Lewis v Att-Gen of Jamaica (2001)	265
Lewis v Heffer (1978)	713
Lewisham BC v Roberts (1949)	476, 477
Libman v Att-Gen of Quebec (1997)	355, 359
Lim Chin Aik v The Queen (1963)	220, 221
Linden v Department of Health and Social Security (1986)	7
Lister v Hesley Hall Ltd (2002)	1065
Litster v Forth Dry Dock & Engineering Co Ltd (1990)	311
Little, Re (2002)	113
Liverpool CC v Rosemary Chavasse Ltd (1999)	481
Liversidge v Anderson (1942)	427, 476, 536, 590, 591, 664, 678, 702
Livingstone v Westminster Corp (1904)	520, 521
Liyanage v The Queen (1967)	262
Lloyd v McMahon (1987)	179, 652, 658, 671, 675, 682, 722, 743
Locabail International Finance Ltd v Agroexport (1986)	973
Local Government Board v Arlidge (1915)	467, 475, 652, 664
Locobail (UK) Ltd v Bayfield Properties Ltd (2000)	754, 755, 756, 757, 773
London and Amsterdam Properties Ltd v Waterman Partnerships Ltd (2003)	457
London & Clydeside Estates Ltd v Aberdeen DC (1980)	637, 638, 643, 645, 646, 870, 875, 883
London CC v Att-Gen (1902)	393
Long Eaton Recreation Grounds Co v Midland Railway Co (1902)	509
Lonrho Ltd v Shell Petroleum Co. Ltd (No. 2) (1982)	1043, 1091
Lonrho plc v Tebbitt (1992)	1047, 1087
Lopez Ostra v Spain (1994)	323
Lord Luke of Pavenham v Minister of Housing and Local Government (1968)	483
Lough v First Secretary of State (2004)	349, 386, 387
Lower Hutt City Council v Bank (1974)	780
Luby v Newcastle-under-Lyme Corp (1965)	589
Luke v Minister of Housing and Local Government (1968)	813
Lustig-Prean and Beckett v United Kingdom (2000)	332, 346, 587
M v Home Office (1994)	6, 974
M (a Minor) v Newham LBC (1995)	1042, 1046, 1052, 1056, 1057
McC, Re (1985)	1102
McCabe v Cornwall CC (2002)	673
McCann v UK (1995)	319, 371
McDermid v Nash Dredging & Reclamation Co Ltd (1987)	1050
MacDonald v Advocate General for Scotland (2003)	298
McGeown v Northern Ireland Housing Executive (1995)	1075
Machatova v Slovak Republic (1997)	383
McInnes v Onslow Fane (1978)	51, 683, 689
McKerr, Re (2004)	298
McKerr v UK (2002)	372
McKiernan v Chief Adjudication Officer (1989)	232