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9th edition

NUTSHELLS

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Richard Glancey, Eimear Spain and
Rhona Smith

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Using this Book

Welcome to our new look NUTSHELLS revision series. We have revamped and improved the existing design and layout and added new features, according to student feedback.

NEW DETAILED TABLE OF CONTENTS for easy navigation.

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NEW CHAPTER INTRODUCTIONS to outline the key concepts covered and condense complex and important information.

Other Statutory R.

NATIONAL MINIMUM WAGE ACT

The National Minimum Wage Act 1998 sets a minimum hourly rate of pay for all workers in the United Kingdom. The rate is set by the Secretary of State to determine and amend the minimum wage for different categories of workers.

DEFINITION CHECKPOINTS AND EXPLANATION OF KEY CASES to highlight important information.

DEFINITION CHECKPOINT

Procession

The Public Order Act 1986, s.16 defines a procession in a public place. This is not only a definition but also a condition. The definition can be found in the case of *Flourbaugh v. The Crown* at 502, where Lord Goddard C.J. stated: *body of persons: it is a body, of persons*.

DEFINITION CHECKPOINT

Assembly

The Public Order Act 1986 defines an assembly of two or more persons.

KEY CASE

CARMICHAEL V NATIONAL POW.

Mrs Carmichael worked as a guard on a "required" basis, showing group. She worked some hours in a uniform, wore a company uniform, was in a vehicle, and enjoyed many of the benefits of the job. The question for the court to determine was whether she was an "umbrella" or "global" employee, which she worked and the ir.

Held: (HL) During the trial, the court held that she was an "umbrella" employee.

DIAGRAMS, FLOWCHARTS AND OTHER DIAGRAMMATIC REPRESENTATION to clarify and condense complex and important information and break up the text.

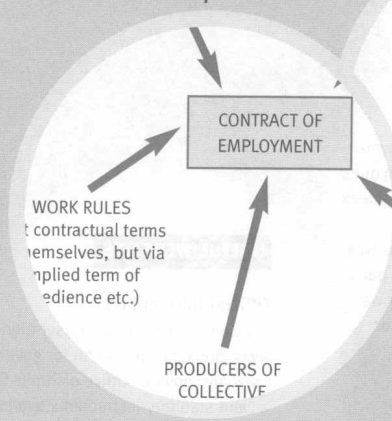
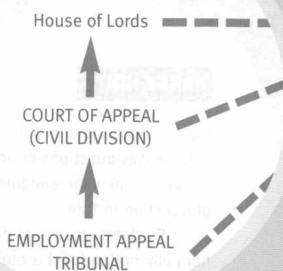


Figure 1 Court and Tribunal System



END OF CHAPTER REVISION CHECKLISTS outlining what you should now know and understand.

Chapter Checklist

You should now know and understand:

- the three heads of claim for breach of contract
- issues regarding the choice of law
- the role of the independent arbitrator
- what is meant by “pay”.

QUESTION AND ANSWER

END OF CHAPTER QUESTION AND ANSWER SECTION with advice on relating knowledge to examination performance, how to approach the question, how to structure the answer, the pitfalls (and how to avoid them!) and how to get the best marks.

QUESTION AND ANSWER

The Question

David and Emily are employed as machinists. David has worked for them for one and a half years.

Emily discovers that David earns £9.00 per hour, but she is paid £8.50 per hour. She also discovers that David is employed by a subsidiary of XCo in

HANDY HINTS AND USEFUL WEBSITES

– revision and examination tips and advice relating to the subject features at the end of the book, along with a list of useful websites.

HANDY HINTS

Examination questions in employment law can take either essay questions or problem question format and in what is required of the examiner in each type of question in turn.

Students usually prefer one type of question but normally opting for the problem question. Examinations are usually set in a way that requires at least one of each style of question.

Very few, if any, questions

ask about a topic, and it is

to make a note

USEFUL WEBSITES

Official Information

www.parliament.uk—very user-friendly.

www.direct.gov.uk—portal for government information.

www.opsi.gov.uk—Office of Public Sector Information and statutory instruments available.

www.dca.gov.uk—Department for Constitutional Affairs.

www.dca.gov.uk/peoples-rights/humanrights/

Unit at the Department for Constitutional Affairs.

www.homeoffice.gov.uk/police/

the Police and Criminal

NEW COLOUR CODING throughout to help distinguish cases and legislation from the narrative. At the first mention, cases are highlighted in colour and italicised and legislation is highlighted in colour and emboldened.

- are an ethnic group (*Sever v* ...)
- Gypsies are an ethnic group (*CRE* ...)
- Rastafarians are not an ethnic group (*ment* [1993] I.R.L.R. 284)
- (d) Jehovah's Witnesses are not an ethnic group (*Norwich City College* case 1502237/97)
- (e) RRA covers the Welsh (*Gwynedd CC v Jones* ...)
- (f) Both the Scots and the English are covered by "national origins" but not by "ethnic origin" (*Board v Power* [1997], *Boyce v British Air* ...)

It should be noted that Sikhs, Jews, Je

ans are also protected on

* Equality (Religion or

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