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this textbook comprehensively examines and analyses the interpretation and application of the united kingdom s human rights act 1998 the third edition has been fully updated to include the last seven years of case law part i covers key procedural

issues including the background to the act the relationship between uk courts and the european court of human rights the definition of victim and public authority determining incompatibility including deference and proportionality the impact of the act on primary legislation and damages and other remedies for the violation of convention rights in part ii of the book the convention rights as interpreted and applied by united kingdom courts are examined in detail all of the key convention rights are discussed including the right to life freedom from torture and inhuman or degrading treatment or punishment the right to liberty fair trial the rights to private life family life and home freedom of religion and belief freedom of expression the right to peaceful enjoyment of possessions and the right to freedom from discrimination in the enjoyment of convention rights the third edition of human rights law will be invaluable for those teaching studying and practising in the areas of united kingdom human rights law constitutional law and administrative law

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public law text cases and materials offers a fresh approach to the study of constitutional and administrative law by exploring how the law works in practice the inclusion of extracts from key cases government reports and academic articles demonstrates the law in action and the incisive commentary that accompanies them explains the significance of each the expert authors have distilled their knowledge of the institutions and legal principles into concise focused prose and they encourage reflection through regular questions and hypothetical examples this leading text provides students with a thorough and wide ranging knowledge of public law together with a full understanding of the theoretical and political debates in this fascinating and dynamic area of law digital formats and resourcesthe fifth edition is available for students and institutions to purchase in a variety of formats and is supported by online resources the e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support oxfordtextbooks co uk ebooks the online resources that support the book include multiple choice questions with answer feedback for students to test their understanding

this dynamic text cases materials book provides a thought provoking guide to the public law of the uk it sets out key institutions legal principles and conventions and its clear commentary draws on case studies and extracts from a range of sources to provide a full understanding of the law and the major theoretical and political debates

recent years have witnessed a vibrant debate concerning the constitutional basis of judicial review which reflects a broader discourse about the role of the courts and their relationship with the other institutions of government within the constitutional order this book comprehensively analyses the foundations of judicial review it

subjects the traditional justification based on the doctrine of ultra vires to critical scrutiny and fundamental reformulation and it addresses the theoretical challenges posed by the impact of the human rights act 1998 on administrative law and by the extension of judicial review to prerogative and non statutory powers it also explores the relationship between the theoretical basis of administrative law and its practical capacity to safeguard individuals against maladministration the book seeks to develop a constitutional rationale for judicial review which founds its legitimacy in core principles such as the rule of law the separation of powers and the sovereignty of parliament it presents a detailed analysis of the interface between constitutional and administrative law and will be of interest to all public lawyers

international refugee law and the protection of stateless persons examines the extent to which the 1951 convention relating to the status of refugees protects de jure stateless persons while de jure stateless persons are clearly protected by the 1954 convention relating to the status of stateless persons this book seeks to explore the extent to which such persons are also entitled to refugee status the questions addressed include the following when is a person without a nationality for the purpose of the 1951 refugee convention what constitutes one's country of former habitual residence as a proxy to one's country of nationality when does being stateless give rise to a well founded fear of persecution for reasons specified in the 1951 refugee convention and or unhcr mandate what are the circumstances under which statelessness constitutes persecution or inhuman or degrading treatment how are courts assessing individual risk or threat to stateless persons the book draws on historical and contemporary interpretation of international law based on the travaux préparatoires to the 1951 refugee convention and its antecedents academic writing unhcr policy and legal documents un human rights council resolutions un human rights committee general comments un secretary general reports and un general assembly resolutions it is also based on original comparative analysis of existing jurisprudence worldwide relating to claims to refugee status based on or around statelessness by examining statelessness through the prism of international refugee law this book fills a critical gap in existing scholarship

in the late 1980s a vigorous debate began about how we may best justify in constitutional terms the english courts jurisdiction to judicially review the exercise of public power derived from an act of parliament two rival theories emerged in this debate the ultra vires theory and the common law theory the debate between the supporters of these two theories has never satisfactorily been resolved and has been criticised as being futile yet the debate raises some fundamental questions about the constitution of the united kingdom particularly the relationship between parliament and the courts the nature of parliamentary supremacy in the contemporary constitution and the possibility and validity of relying on legislative intent this book critically analyses the ultra vires and common law theories and argues that neither

offers a convincing explanation for the courts judicial review jurisdiction instead the author puts forward the theory that parliamentary supremacy and in turn the relationship between parliament and the courts is not absolute and does not operate in a hard and fast way but rather functions in a more flexible way and that the courts will balance particular acts of parliament against competing statutes or principles mcgarry argues that this new conception of parliamentary supremacy leads to an alternative theory of judicial review which significantly differs from both the ultra vires and common law theories this book will be of great interest to students and scholars of uk public law

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