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978-0-521-13802-4 - Widening Horizons: The Influence of Comparative Law and International Law on Domestic Law

Thomas H. Bingham

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WIDENING HORIZONS

British judges increasingly now pay attention to foreign case law when deciding domestic cases, and are required to interpret and apply international law in domestic courts and administer an international code of human rights. Tom Bingham examines the consequences of this increasingly internationalist outlook of British courts, including cases which rely on a range of foreign authorities, cases where an international convention or principle is interpreted and cases in which human rights issues are decided in reliance on principles established elsewhere.

LORD THOMAS BINGHAM, Baron Bingham of Cornhill, has held the posts of Master of the Rolls, Lord Chief Justice and Senior Law Lord. He presided over key judgments, including the ruling in the Belmarsh case that it was unlawful, and a breach of human rights, to detain foreign terrorist suspects without charge, and the ruling that evidence against terror suspects obtained by torture was inadmissible.

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THE HAMLYN TRUST

The Hamlyn Trust owes its existence today to the will of the late Miss Emma Warburton Hamlyn of Torquay, who died in 1941 at the age of 80. She came of an old and well-known Devon family. Her father, William Bussell Hamlyn, practised in Torquay as a solicitor and JP for many years, and it seems likely that Miss Hamlyn founded the trust in his memory. Emma Hamlyn was a woman of strong character, intelligent and cultured, well-versed in literature, music and art, and a lover of her country. She travelled extensively in Europe and Egypt, and apparently took considerable interest in the law and ethnology of the countries and cultures that she visited. An account of Miss Hamlyn by Professor Chantal Stebbings of the University of Exeter (one of the Hamlyn trustees) may be found, under the title 'The Hamlyn Legacy', in volume 42 of the published lectures.

Miss Hamlyn bequeathed the residue of her estate on trust in terms which it seems were her own. The wording was thought to be vague, and the will was taken to the Chancery Division of the High Court, which in November 1948 approved a Scheme for the administration of the trust. Paragraph 3 of the Scheme, which follows Miss Hamlyn's own wording, is as follows:

The object of the charity is the furtherance by lectures or otherwise among the Common People of the United

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Kingdom of Great Britain and Northern Ireland of the knowledge of the Comparative Jurisprudence and Ethnology of the Chief European countries including the United Kingdom, and the circumstances of the growth of such jurisprudence to the Intent that the Common People of the United Kingdom may realise the privileges which in law and custom they enjoy in comparison with other European Peoples and realising and appreciating such privileges may recognise the responsibilities and obligations attaching to them.

The Trustees are to include the Vice-Chancellor of the University of Exeter, representatives of the Universities of London, Leeds, Glasgow, Belfast and Wales and persons co-opted. At present there are eight Trustees:

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From the outset it was decided that the objects of the Trust could be best achieved by means of an annual course of public lectures of outstanding interest and quality by eminent

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lecturers, and by their subsequent publication and distribution to a wider audience. The first of the Lectures were delivered by the Rt Hon. Lord Justice Denning (as he then was) in 1949. Since then there has been an unbroken series of annual Lectures published until 2005 by Sweet & Maxwell and from 2006 by Cambridge University Press. A complete list of the Lectures may be found on pages x to xiii. In 2005 the Trustees decided to supplement the Lectures with an annual Hamlyn Seminar, normally held at the Institute of Advanced Legal Studies in the University of London, to mark the publication of the Lectures in printed book form. The Trustees have also, from time to time, provided financial support for a variety of projects which, in various ways, have disseminated knowledge or have promoted to a wider public understanding of the law.

This, the 61st, series of lectures was delivered by Lord Bingham in three different locations. The first took place at Newton House, Dinefwr Castle near Llandeilo, South Wales. The second was held at the Museum Lecture Theatre at Cardiff University Law School and the third was held at the Lecture Theatre at the London offices of Clifford Chance in the Docklands. The Board of Trustees would like to record its appreciation to Lord Bingham himself and also the Swansea and Cardiff University law schools, as well as the partners of Clifford Chance who generously hosted these Lectures. Traversing from the west to the east of the country the Lectures moved from a small castle in West Wales, to the Museum of Wales by a Winter Wonderland in Cardiff and onto the Docklands to and from which great ships carried out international

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commerce in years gone by. These were all a fitting tribute to the Welsh associations of the Lecturer and to the subject of the lectures – widening the horizons of the law.

December 2009, London

AVROM SHERR

Chairman of the Trustees

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