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Aileen Kavanagh

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## CONSTITUTIONAL REVIEW UNDER THE UK HUMAN RIGHTS ACT

Under the Human Rights Act, British courts are for the first time empowered to review primary legislation for compliance with a codified set of fundamental rights. In this book, Aileen Kavanagh argues that the HRA gives judges strong powers of constitutional review, similar to those exercised by the courts under an entrenched Bill of Rights. The aim of the book is to subject the leading case law under the HRA to critical scrutiny, while remaining sensitive to the deeper constitutional, political and theoretical questions that underpin it. Such questions include the idea of judicial deference, the constitutional status of the HRA, the principle of parliamentary sovereignty and the constitutional division of labour between Parliament and the courts. The book closes with a sustained defence of the legitimacy of constitutional review in a democracy, thus providing a powerful rejoinder to those who are sceptical about judicial power under the HRA.

AILEEN KAVANAGH is Reader in Law at the University of Leicester.

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For my Mother  
1943–2008

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