

Constitutional and Administrative Law

Third Edition

Using numerous topical examples and a clear structure, this third edition textbook provides an accessible, discursive and scholarly treatment of the key contemporary issues in UK public law. Drawing upon their extensive teaching and research experience, Roger Masterman and Colin Murray offer an engaging account of the key topics which make up a constitutional and administrative, or public, law syllabus. Controversial issues and broader debates are highlighted throughout the text, allowing the reader to develop a strong understanding of both the application of key topics in the field and the socio-political context in which the constitution has developed. This fully revised edition includes detailed analysis of recent significant cases, the constitutional implications of the Covid-19 pandemic and a dedicated chapter on the consequences of Brexit.

ROGER MASTERMAN is Professor of Constitutional Law at Durham Law School, where he teaches UK Constitutional Law and Comparative Constitutional Law. He is Joint General Editor of the journal *Public Law*, and a member of the executive committee of the UK Constitutional Law Association.

COLIN MURRAY teaches Constitutional Law and Counter-Terrorism Law at Newcastle Law School. His research focuses on challenges to a democratic constitutional order. He has appeared as an expert witness before multiple parliamentary committees and served as a specialist adviser to the Select Committee on the Draft Prisoner Voting Bill in 2013.

Cambridge University Press & Assessment
978-1-009-15848-0 — Constitutional and Administrative Law
Roger Masterman , Colin Murray
Frontmatter
[More Information](#)

Constitutional and Administrative Law

Third Edition

Roger Masterman

Durham University

Colin Murray

Newcastle University



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press & Assessment
978-1-009-15848-0 — Constitutional and Administrative Law
Roger Masterman, Colin Murray
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/highereducation/isbn/9781009158480

DOI: 10.1017/9781009158497

First edition © Pearson Education Limited 2013

Second edition © Pearson Education Limited 2018

Third edition © Roger Masterman and Colin Murray 2022

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First edition published by Pearson Education Limited 2013

Second edition published by Pearson Education Limited 2018

This third edition published by Cambridge University Press 2022

Printed in the United Kingdom by TJ Books Limited, Padstow, Cornwall 2022

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Masterman, Roger, author. | Murray, Colin (Colin R. G.), author.

Title: Constitutional and administrative law / Roger Masterman, Durham University; Colin Murray, Newcastle University.

Other titles: Exploring constitutional and administrative law.

Description: Third edition. | Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2022. | Includes bibliographical references and index.

Identifiers: LCCN 2021053906 | ISBN 9781009158480 (hardback) | ISBN 9781009158503 (paperback) | ISBN 9781009158497 (epub)

Subjects: LCSH: Constitutional law—Great Britain. | Administrative law—Great Britain. | LCGFT: Textbooks.

Classification: LCC KD3930 .M37 2022 | DDC 342.41—dc23/eng/20211223

LC record available at <https://lccn.loc.gov/2021053906>

ISBN 978-1-009-15848-0 Hardback

ISBN 978-1-009-15850-3 Paperback

Additional resources for this publication at www.cambridge.org/masterman-murray

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Brief Contents

Preface to the Third Edition page xiii
Table of Cases xvi
Table of UK Legislation xxxv
Table of UK Statutory Instruments 1
Table of European Instruments lii
Table of Overseas and International Instruments lvi

PART I CONSTITUTIONAL REGULATION IN THE ABSENCE OF A CODIFIED CONSTITUTION

- 1 The Purposes and Characteristics of Constitutions 3
- 2 The Domestic Sources of the UK Constitution 23
- 3 The UK Constitution and International Legal Orders 61
- 4 Brexit and the UK Constitution 85
- 5 Law, Politics and the Nature of the UK Constitution 116

PART II THE THEORY AND PRACTICE OF THE UK CONSTITUTION

- 6 Parliamentary Sovereignty 145
- 7 The Rule of Law 211
- 8 Separation of Powers 253
- 9 Principles of Political and Parliamentary Accountability 287

PART III CENTRAL GOVERNMENT IN THE UNITED KINGDOM

- 10 The Executive** 315
- 11 Parliament (I): The House of Commons** 353
- 12 Parliament (II): The House of Lords** 387
- 13 The UK Supreme Court and the Office of Lord Chancellor: Towards an Independent Judicial Branch?** 413

PART IV DECENTRALISED GOVERNMENT IN THE UNITED KINGDOM

- 14 The United Kingdom's Devolution Arrangements** 435
- 15 Devolution and the UK Constitution** 477

PART V ACCOUNTABILITY (I): SCRUTINY, OPENNESS AND GOOD ADMINISTRATION

- 16 Parliamentary Scrutiny of Government** 519
- 17 The Parliamentary Ombudsman** 538
- 18 Freedom of Information** 556

PART VI ACCOUNTABILITY (II): THE COURTS

- 19 Judicial Review of Administrative Action: Theory, Procedure and Remedies** 581
- 20 Judicial Review of Administrative Action: Grounds for Review** 622
- 21 The European Convention on Human Rights** 684
- 22 The Human Rights Act 1998** 742
- 23 Political Freedoms and Democratic Participation** 787

Index 822

Contents

Preface to the Third Edition page xiii
Table of Cases xvi
Table of UK Legislation xxxv
Table of UK Statutory Instruments 1
Table of European Instruments lii
Table of Overseas and International Instruments lvi

PART I CONSTITUTIONAL REGULATION IN THE ABSENCE OF A CODIFIED CONSTITUTION

1 The Purposes and Characteristics of Constitutions 3
 Chapter Outline 3
 The Nature and Purpose of Constitutions 3
 Characteristics of Constitutions: Does the United Kingdom Have a Constitution? 5
 The Content of Constitutions 10
 Forms of Constitutions 13
 The UK Constitution 17
 Practice Questions 21
 Further Reading 21

2 The Domestic Sources of the UK Constitution 23
 Chapter Outline 23
 Introduction: Building a Constitution from Mixed Materials 23
 Legal Sources of the Constitution 24
 Non-Legal Sources of the Constitution 45
 Conclusion 57
 Practice Questions 59
 Further Reading 59

3 The UK Constitution and International Legal Orders 61
 Chapter Outline 61
 Introduction: External Sources of Constitutional Law? 61
 Public International Law 63

viii Contents

- Conclusion 83
- Practice Questions 84
- Further Reading 84

- 4 Brexit and the UK Constitution 85**
 - Chapter Outline 85
 - Introduction: The Awkward Relationship 85
 - The European Union 86
 - Brexit: The UK's Withdrawal from the European Union 103
 - Conclusion 114
 - Practice Questions 115
 - Further Reading 115

- 5 Law, Politics and the Nature of the UK Constitution 116**
 - Chapter Outline 116
 - Introduction: The Relationship between Law and Politics 117
 - Two Competing Ideas of Constitutionalism 121
 - Judges and Political Questions 127
 - The Differing Responses of Law and Politics Illustrated 135
 - Conclusion: The Legalisation of the United Kingdom Constitution? 139
 - Practice Questions 140
 - Further Reading 140

PART II THE THEORY AND PRACTICE OF THE UK CONSTITUTION

- 6 Parliamentary Sovereignty 145**
 - Chapter Outline 145
 - Introduction 145
 - Diceyan Orthodoxy: The Legally Unlimited Power of Parliament 146
 - Parliamentary Sovereignty: A Legal or Political Construct? 149
 - Can Parliament Impose Limitations upon Its Own Legislative Competence? 157
 - Can Parliament Amend the Primary Legislative Process? 164
 - The Relationships between Primary Legislation and Other Sources of Law 173
 - The Human Rights Act 1998 190
 - The Influence of – and the UK's Exit from – the European Union 193
 - Brexit: Reclaiming Sovereignty? 203
 - Conclusion 207
 - Practice Questions 209
 - Further Reading 209

- 7 The Rule of Law 211**
 - Chapter Outline 211
 - Introduction 211
 - The Rule of Law's Domain 212
 - The Core Rule of Law 217
 - The Extended Rule of Law 230
 - The Substantive Rule of Law 247

ix Contents

Conclusion	251
Practice Questions	251
Further Reading	252

8 Separation of Powers	253
Chapter Outline	253
Introduction	253
The Theory and Aims of Separation of Powers	255
Governmental Institutions and Functions	259
Separation of Powers in the United Kingdom (I): Partially Separated Institutions?	268
Separation of Powers in the UK Constitution (II): A Partial Division of Functions?	276
Constitutional Checks and Balances	280
Conclusion	283
Practice Questions	285
Further Reading	285
9 Principles of Political and Parliamentary Accountability	287
Chapter Outline	287
Introduction	287
Political and Legal Accountability Distinguished	289
Individual Ministerial Responsibility	294
Sanctions and Effectiveness	302
Conclusion	310
Practice Questions	310
Further Reading	310

PART III CENTRAL GOVERNMENT IN THE UNITED KINGDOM

10 The Executive	315
Chapter Outline	315
Introduction	315
From Absolute Monarchy to the Modern Executive	316
The Composition and Role of the Modern Executive	327
Conclusion	350
Practice Questions	351
Further Reading	352
11 Parliament (I): The House of Commons	353
Chapter Outline	353
Introduction: Parliament	353
The Composition of the House of Commons	355
The Role and Functions of the House of Commons	362
The Pre-eminent House of Parliament	372
The Question of 'Elective Dictatorship'	375
Towards a Rebalancing of Executive/Legislative Relations?	376
Electoral Systems and Electoral Reform	378
The Review of Westminster Constituency Boundaries	383

x Contents

Conclusion 385
 Practice Questions 385
 Further Reading 385

12 Parliament (II): The House of Lords 387

Chapter Outline 387
 Introduction 387
 The Composition of the House of the Lords 388
 The Role of the House of Lords 395
 Reform of the House of Lords 404
 Conclusion 410
 Practice Questions 411
 Further Reading 412

13 The UK Supreme Court and the Office of Lord Chancellor: Towards an Independent Judicial Branch? 413

Chapter Outline 413
 Introduction 413
 The Apex of the UK Judicial System Prior to the Constitutional Reform Act 2005 414
 The Pressure for Institutional Reform of the Judiciary 418
 The Constitutional Reform Act 2005 422
 Conclusion 429
 Practice Questions 430
 Further Reading 430

PART IV DECENTRALISED GOVERNMENT IN THE UNITED KINGDOM

14 The United Kingdom's Devolution Arrangements 435

Chapter Outline 435
 Introduction 435
 From Union to Devolution 437
 Devolution in Practice: Scotland 445
 Devolution in Practice: Wales 454
 Devolution in Practice: Northern Ireland 461
 Brexit and Devolution 471
 Conclusion 473
 Practice Questions 475
 Further Reading 475

15 Devolution and the UK Constitution 477

Chapter Outline 477
 Introduction 477
 Subordinate Legislatures 478
 The English/West Lothian Question 499
 Tackling the English/West Lothian Question 504
 Conclusion 515

xi	Contents
----	----------

Practice Questions 515
 Further Reading 516

PART V ACCOUNTABILITY (I): SCRUTINY, OPENNESS AND GOOD ADMINISTRATION

16	Parliamentary Scrutiny of Government	519
	Chapter Outline	519
	Introduction	519
	Scrutiny in Parliament	521
	Reforming Parliamentary Scrutiny: The Wright Reforms	530
	Assessing Parliamentary Scrutiny of Government	532
	Conclusion	536
	Practice Questions	537
	Further Reading	537

17	The Parliamentary Ombudsman	538
	Chapter Outline	538
	Introduction	538
	The Work of the Parliamentary Ombudsman	540
	Remedies and Redress	547
	Efficiency and Effectiveness	550
	Conclusion	553
	Practice Questions	554
	Further Reading	554

18	Freedom of Information	556
	Chapter Outline	556
	Open Government and Effective Accountability	556
	Towards Freedom of Information Legislation	558
	The Freedom of Information Act 2000	561
	Assessing the Impact of the Freedom of Information Act	573
	Conclusion	577
	Practice Questions	577
	Further Reading	577

PART VI ACCOUNTABILITY (II): THE COURTS

19	Judicial Review of Administrative Action: Theory, Procedure and Remedies	581
	Chapter Outline	581
	Introduction	581
	Judicial Review's Constitutional Role	582
	Procedural Elements of Judicial Review	594
	Remedies Available under Judicial Review	616
	Conclusion	619
	Practice Questions	620
	Further Reading	620

- 20 Judicial Review of Administrative Action: Grounds for Review** 622
- Chapter Outline 622
 - Introduction 622
 - Illegality 625
 - Irrationality 641
 - Procedural Impropriety 653
 - Legitimate Expectations 671
 - Conclusion 681
 - Practice Questions 682
 - Further Reading 682
- 21 The European Convention on Human Rights** 684
- Chapter Outline 684
 - Introduction 684
 - The Nature of Human Rights 685
 - The Development of the ECHR and Associated Institutions 699
 - The Rights and Freedoms Protected under the ECHR 706
 - Human Rights and Trade-Offs under the ECHR 724
 - Conclusion 738
 - Practice Questions 739
 - Further Reading 740
- 22 The Human Rights Act 1998** 742
- Chapter Outline 742
 - Introduction 742
 - From Civil Liberties to Human Rights 743
 - Incorporating the Convention 747
 - The HRA and Legislation 757
 - Employing the Convention Rights under the HRA 771
 - Towards a Bill of Rights for the United Kingdom? 780
 - Conclusion 783
 - Practice Questions 784
 - Further Reading 785
- 23 Political Freedoms and Democratic Participation** 787
- Chapter Outline 787
 - Introduction 787
 - Freedom of Expression 789
 - Freedom of Assembly 799
 - Liberty 808
 - Voting Rights 814
 - Conclusion 819
 - Practice Questions 820
 - Further Reading 820
- Index* 822

Preface to the Third Edition

‘[M]uch constitutional water has passed under the bridge’¹ since the previous edition of this textbook was finalised, in November 2017. This new edition contains substantially rewritten and updated content, reflecting the most significant developments of the last four years. When our previous edition was being finalised, for all that the UK electorate had voted in favour of the UK’s withdrawal from the EU, the negotiation of that departure, the specifics of the future relationships between the EU and the UK, and the legacies of EU membership for the UK constitutional order, all remained unclear. The intervening years have brought some degree of clarity, at least as to the general contours of the post-Brexit landscape, but given that Brexit – to adopt a phrase often used in the context of devolution – is very much a process and not an event, the implications of the UK’s departure from the EU have yet to be fully realised.

Many of the revisions to this third edition of *Constitutional and Administrative Law* address the questions posed by Brexit for our understandings of the Constitution. Most pertinently, a new chapter considers the effects of Brexit on the UK constitutional order (Chapter 4). As well as providing a summary of the UK’s previous relationship with the EU and its various institutions – highlighting some of the sites of tension between these formerly interlocking legal orders – this chapter traces the Brexit process, providing an essential timeline and the contextual backdrop to discussions elsewhere in the book.

As a result of the near-pervasive influence of Brexit over constitutional developments in the UK, subsequent chapters have also been substantially revised to address the effects and legacy of EU membership and the processes of the UK’s departure. The implications of Brexit in three specific fields of coverage are worthy of note here. First, our chapter on parliamentary sovereignty (Chapter 6) now considers the mechanics of withdrawal – via consideration of the ‘retention’ of EU laws in the domestic legal order – as well as the legacy of the debates concerning the ‘competing’ supremacies of Westminster legislation and EU laws.

Secondly, as well as influencing our understanding of constitutional principle, Brexit has also profoundly affected the politics of the UK’s Constitution, and the balance of powers between government and Parliament in particular. The tumultuous 2017–2019

¹ *Re Allister* [2021] NIQB 64, [96].

xiv Preface to the Third Edition

period – during which the government often found itself unable to assert its traditional influence over the business of the House of Commons – is considered in a revised chapter on the lower house of the UK Parliament (Chapter 11).

Thirdly, institutional relations between Westminster and Whitehall and the devolved institutions in Scotland, Wales and Northern Ireland have also been tested by the UK's exit from the EU: our chapters on devolution (Chapters 14 and 15) now consider the tensions arising from the 'centralised' drivers of the Brexit process (including the strain placed on the Sewel convention), and the additional asymmetry of the devolutionary arrangements resulting from the Withdrawal Agreement's Protocol on Ireland and Northern Ireland.

Brexit has by no means been the sole cause of constitutional development since 2017; the Covid-19 pandemic has also served to highlight a number of vital constitutional issues. These include deficiencies in the parliamentary scrutiny of legislation passed in 'emergency' circumstances, the ability of the executive to legislate using delegated powers (i.e. measures that are often not fully scrutinised in Parliament), and – notwithstanding the parliamentary stalemates of the 2017–2019 period – the relative speed with which executive dominance of the legislature has returned to its characteristically central position among the constitution's institutional relationships.

In the light of the UK Supreme Court arguing in its 2019 decision in *R (Miller) v Prime Minister; Cherry v Advocate General for Scotland* that 'parliamentary accountability' should be considered to be one of the 'fundamental principles of our constitutional law'² we have expanded our coverage of the topic (Chapter 9), placing it alongside our treatment of the UK Constitution's other core principles: parliamentary sovereignty; the rule of law; and separation of powers (Chapters 6–8).

In addition to these major revisions, we have sought to reflect developments across the book's coverage. Our updated coverage of judicial decisions includes discussion of the *Miller; Cherry* decision, the Supreme Court's decision in *R (Privacy International) v Investigatory Powers Tribunal*³ and the European Court of Human Rights' Grand Chamber decision in *Big Brother Watch v United Kingdom*,⁴ to mention but a few highlights. Alongside this, we examine developments and proposals with the potential to significantly impact on the constitution and its operation, including: the proposed repeal of the Fixed-term Parliaments Act 2011; the Independent Review of Administrative Law; and the Independent Review of the Human Rights Act.

This new edition of *Constitutional and Administrative Law* is the first to be published by Cambridge University Press. Our profound thanks are due to Caitlin Lisle for her enthusiastic support for the project, to the reviewers who provided generous feedback and suggestions regarding our earlier text, and to Marianne Nield and Nicola Chapman for shepherding this edition of our textbook towards publication. We remain indebted to Zoë Botterill who – as our commissioning editor at Pearson – supported this text at its inception.

Across the editions of this book, our colleagues and our students at Durham and Newcastle have helped to support and shape our ideas and approaches to presenting and

² [2019] UKSC 41, [41]–[48].

³ [2019] UKSC 22; [2020] AC 491.

⁴ Application No. 58170/13 [2021] ECHR 439.

xv Preface to the Third Edition

assessing the UK's constitutional arrangements. For reading draft chapters, providing suggestions and materials, or simply discussing issues raised in what follows, our gratitude is particularly due to Alan Greene, Kathryn Hollingsworth, Shivaraj Huchhanavar, Josh Jowitt, Nick Kilford, Ian Leigh, Matt Nicholson, Lucinda Maer, Conall Mallory, Aileen McHarg, Jo Murkens, Aoife O'Donoghue, Gavin Phillipson, Hélène Tyrrell, Se-shauna Wheatle and Thomas Yeon.

Given the successive lockdowns of 2020 and 2021, our families have been exposed to more of the updating and rewriting process than – we suspect – they would have either anticipated or liked. Our thanks here – to Laura, Rufus and Evie and to Aoife, Aoibhlínn and Méalla – cannot repay the debts owed for their encouragement, (feigned?) interest and forbearance.

Table of Cases

- A v HM Treasury* [2010] UKSC 2; [2010] 2 AC 534 33–34, 252
- A v Secretary of State for the Home Department* [2004] UKHL 56; [2005] 2 AC 68; [2005] 2 WLR 87; [2005] 3 All ER 169 124, 283, 399, 738, 765, 767–768
- A v United Kingdom* (2009) 49 EHRR 29 737, 738, 784
- A, B and C v Ireland* (2011) 53 EHRR 13 710, 728, 734–735
- Abdi and Nadarajah v Secretary of State for the Home Department*; [2005] EWCA Civ 1363 672, 675
- Adams v Scottish Ministers* 2004 SC 665; IH (2 Div); affirming in part 2003 SC 171; 2003 SLT 366 489
- Agricultural Sector (Wales) Bill, Re* [2014] UKSC 43; [2014] 1 WLR 2622 486
- Al Rabbat v Westminster Magistrates' Court* [2017] EWHC 1969 (Admin) 79
- Alinak v Turkey* (Application no. 40287/98 [2005]) 794
- Al-Jedda v United Kingdom* (2011) 53 EHRR 23 80–81
- Al-Khawaja and Tahery v United Kingdom* (2009) 49 EHRR 1 754
- Allister, Re* [2021] NIQB 64 187, 439
- Al-Skeini v United Kingdom* (2011) 53 EHRR 18 708, 709, 733, 738, 739
- Anderson v Gorrie* [1895] 1 QB 668 222
- Animal Defenders International v United Kingdom* [2013] 57 EHRR 21 192, 728, 799, 821
- Animal Defenders (judicial review)* [2006] EWHC 3069; [2007] EMLR 6 798
- Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147; [1969] 2 WLR 163; [1969] 1 All ER 208; HL 179, 243, 632
- Anufrijeva v Southwark LBC* [2003] EWCA Civ 1406; [2004] QB 1124; [2004] 2 WLR 603; [2004] 1 All ER 833 775
- Arthur JS Hall & Co v Simons* [2002] 1 AC 615; [2000] 3 WLR 543; [2000] 3 All ER 673 222, 238
- Assange v Swedish Prosecution Authority* [2012] UKSC 22; [2012] 2 AC 471 178
- Associated Provincial Picture Houses Ltd v Wednesbury Corp* [1948] 1 KB 223; [1947]; 2 All ER 680 282, 545, 549–550, 642–652, 680, 683
- Association of British Civilian Internees (Far East Region) v Secretary of State for Defence* [2003] EWCA Civ 473; [2003] QB 1397; [2003] 3 WLR 80 652, 677, 678

xvii Table of Cases

- Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank* [2003] UKHL 37; [2004] 1 AC 546; [2003] 3 WLR 283; [2003] 3 All ER 1213 774
- Attorney-General for Canada v Attorney General for Ontario* [1937] AC 326 66
- Attorney-General for Jersey v Holley* [2005] UKPC 23; [2005] 2 AC 580; [2005] 3 WLR 29; [2005] 3 All ER 371 44
- Attorney-General of Hong Kong v Ng Yuen Shiu* [1983] 2 AC 629; [1983] 2 WLR 735; [1983] 2 All ER 346 672
- Attorney-General of New South Wales v Trethowan* [1932] AC 526, PC (Aus) 163
- Attorney-General v De Keyser's Royal Hotel Ltd* (1920) AC 508 41, 174, 175
- Attorney-General v Fulham Corporation* [1921] 1 Ch 440 627, 628
- Attorney-General v Guardian Newspapers Ltd* [1987] 1 WLR 1248 790, 792, 799
- Attorney-General v Jonathan Cape Ltd* [1976] QB 752; [1975] 3 WLR 606; [1975] 3 All ER 484 48, 53, 792
- Attorney-General v London and Home-Counties Joint Electricity Authority* [1929] 1 Ch 513 634
- Attorney-General v Observer Ltd* [1990] 1 AC 109 792
- Austin v Commissioner of Police for the Metropolis* [2009] UKHL 5; [2009] 1 AC 564 808, 812
- Austin v United Kingdom* (2012) 55 EHRR 14 (GC) 814
- AXA General Insurance Ltd v Lord Advocate (Scotland)* [2011] UKSC 46; [2012] 1 AC 868; [2011] 3 WLR 871; 2012 SC (UKSC) 122 164, 178, 489, 495, 591
- Bank Mellat v HM Treasury* [2013] UKSC 38; [2014] AC 700 671
- Banković v Belgium* (2007) 44 EHRR SE5 707, 708
- Barnard v National Dock Labour Board* [1953] 2 QB 18; [1953] 2 WLR 995; [1953] 1 All ER 1113 630
- Beatty v Gillbanks* (1882) LR 9 QBD 308; 744, 788, 800–802, 807
- Beauchamp (Earl) v Madresfield* (1872) LR 8 CP 245 356
- Beghal v United Kingdom* [2019] ECHR 181 356
- Begum v London Borough of Tower Hamlets* [2003] UKHL 5; [2003] 2 AC 430; [2003] 2 WLR 388; [2003] 1 All ER 731 633
- Belfast City Council v Miss Behavin' Ltd* [2007] UKHL 19; [2007] 1 WLR 1420; [2007] 3 All ER 1007 772
- Belfast Corporation v OD Cars* [1960] AC 490; [1960] 2 WLR 148; [1960] 1 All ER 65 487
- Belgian Linguistic Case* (1979–80) 1 EHRR 252 723
- Belhaj v Straw; Rahmatullah v Ministry of Defence* [2017] UKSC 3; [2017] 2 WLR 456 83, 84
- Bellinger v Bellinger* [2003] UKHL 21; [2003] 2 AC 467; [2003] 2 WLR 1174; [2003] 2 All ER 593 766
- Benkharbouche v Secretary of State for Foreign and Commonwealth Affairs* [2017] UKSC 62 204
- Bici v Ministry of Defence* [2004] EWHC 786 (QB) 224
- Big Brother Watch v United Kingdom*, Application No. 58170/13 [2021] ECHR 439 730–731
- Board of Education v Rice* [1911] AC 179 655
- Boddington v British Transport Police* [1999] 2 AC 143; [1998] 2 WLR 639; [1998] 2 All ER 203 416

xviii Table of Cases

- British Broadcasting Corporation v Johns* [1965] Ch 32 175
British Oxygen Co Ltd v Minister of Technology [1971] AC 610; [1969] 2 WLR 892; [1970] 3 WLR 488; [1970] 3 All ER 165 640
British Railways Board v Pickin [1974] AC 765; [1974] 2 WLR 208; [1974] 1 All ER 609 165, 169, 186, 588
Bromley London Borough Council v Greater London Council [1983] 1 AC 768; [1982] 2 WLR 92; [1982] 1 All ER 153 133, 134, 629
Broniowski v Poland (2006) 43 EHRR 1 (GC) 732
Brown v Stott [2003] 1 AC 681; [2001] 2 WLR 817; [2001] 2 All ER 97 186
Buick, In re [2018] NICA 26 470
Bulmer Ltd v J Bollinger SA [1974] Ch 401; [1974] 3 WLR 202; [1974] 2 All ER 1226 102
Burden v United Kingdom (2008) 47 EHRR 38 752
Burmah Oil Co v Lord Advocate [1965] AC 75; [1964] 2 WLR 1231; [1964] 2 All ER 348 174, 232
Bush (George W) v Gore (Al) 531 US 98 (2000) 54
Cabinet Office v Information Commissioner and Corderoy (2021) EA/2020/0240 576
Cadder v HM Advocate (Scotland) [2010] UKSC 43; [2010] 1 WLR 2601; 2011 SC (UKSC) 13 233, 494–496
Campbell and Fell v United Kingdom (1985) 7 EHRR 165 275
Campbell v MGN Ltd [2004] UKHL 22; [2004] 2 AC 457; [2004] 2 WLR 1232; [2004] 2 All ER 995 759, 779, 795
Carltona Ltd v Commissioners of Works [1943] 2 All ER 560 43, 52, 333, 334–335, 631
Casado Coca v Spain (1994) 18 EHRR 1 794
Case of Proclamations (1611) 12 Co Rep 74 151
Case of Ship Money (1637) 3 St Tr 825 151
Champion v Chief Constable of Gwent [1990] 1 WLR 1 816
Cheney v Conn [1968] 1 WLR 242; [1968] 1 All ER 779 70, 165
Chester v Bateson [1920] 1 KB 829 599
Christian Institute v Scottish Ministers [2016] UKSC 51; [2016] HRLR 19 494
Clark v University of Lincolnshire and Humberside [2000] 1 WLR 1988; [2000] 3 All ER 752 615
Commissioner of Police of the Metropolis v DSD and another [2018] UKSC 11; [2018] 2 WLR 895 734
Communist Party of Germany v Federal Republic of Germany, Application No.250/57 (1957) 0 797
Congreve v Home Office [1976] QB 629; [1976] 2 WLR 291; [1976] 1 All ER 697 38
Connors v United Kingdom (2005) 40 EHRR 9 726, 735
Cooper v Wandsworth Board of Works (1863) 143 ER 414 654
Corporate Officer of the House of Commons v Information Commissioner [2008] EWHC 1084 (Admin); [2009] 3 All ER 403 575
Costello-Roberts v United Kingdom (1995) 19 EHRR 112 710
Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374; [1984] 3 WLR 1174; [1984] 3 All ER 935 66, 282, 598, 599, 623, 626, 643, 651, 654, 676, 680, 815

xix Table of Cases

- Cream Holdings Ltd v Banerjee* [2004] UKHL 44; [2005] 1 AC 253; [2004] 3 WLR 918; [2004] 4 All ER 617 756
- Cyprus v Turkey* (2002) 35 EHRR 30 702
- Davidson v Scottish Ministers* [2004] UKHL 34; 2005 1 SC (HL) 7; [2004] HRLR 34 275
- Day v Savadge* (1614) Hob 85 275
- De Wilde, Ooms and Versyp v Belgium (No. 1)* (1979–80) 1 EHRR 373 419
- Dean of Ely v Bliss* (1842) 5 Beav 574 159
- Delve v Secretary of State for Work and Pensions* [2019] EWHC 2552 (Admin) 585
- Delve v Secretary of State for Work and Pensions* [2020] EWCA Civ 1199; [2021] 3 All ER 115 612
- Department for Education and Skills v Information Commissioner and the Evening Standard* (EA/2006/0006) 566, 577
- Derbyshire County Council v Times Newspapers Ltd* [1993] AC 534; [1993] 2 WLR 449; [1993] 1 All ER 1011; HL; affirming [1992] QB 770 745, 791
- Dimes v Proprietors of the Grand Junction Canal* (1852) 3 HLC 759 275, 657
- Director of Public Prosecutions v Haw* [2007] EWHC 1931 (Admin); [2008] 1 WLR 379 631
- Director of Public Prosecutions v Jones* [1999] 2 AC 240; [1999] 2 WLR 625; [1999] 2 All ER 257 416, 804
- Douglas v Hello! Ltd* [2000] EWCA Civ 353; [2001] QB 967; [2001] 2 WLR 992; [2001] 2 All ER 289 756, 794
- Dover District Council v CPRE Kent* [2017] UKSC 79; [2018] 2 All ER 121 669
- Dr. Bonham's Case* (1609) 8 Coke Reports 113b; 77 ER 646 151, 188
- Dred Scott v Sandford* 60 US 393 (1857) 259
- Duffy, Re* [2008] UKHL 4 645
- Duncan v Jones* [1936] 1 KB 218 801–802
- Duport Steels Ltd v Sirs* [1980] 1 WLR 142; [1980] 1 All ER 529 276
- E v Secretary of State for the Home Department* [2004] EWCA Civ 49; [2004] QB 1044; [2004] 2 WLR 1351 634
- Eckle v Germany* (1983) 5 EHRR 1 776
- Ecuador v Occidental Exploration & Production Co* [2005] EWCA Civ 1116; [2006] QB 432; [2006] 2 WLR 70; [2006] 2 All ER 225 72
- Edinburgh and Dalkeith Railway Co v Wauchope* (1842) VIII Clark & Finnelly 710 165
- Edwards v Attorney-General of Canada* [1930] AC 124 487
- Egan v Basildon Borough Council* [2011] EWHC 2416 (QB) 226
- Elgizouli v Secretary of State for the Home Department* [2020] UKSC 10; [2020] 2 WLR 857 747
- Ellen Street Estates v Minister of Health* CA [1934] 1 KB 590 158–160
- Entick v Carrington* (1765) 19 St Tr 1029 223–227, 229, 248, 744
- Erbakan v Turkey, Application No.59405/00 (2006) 0* 797
- Evans v Information Commissioner* [2012] UKIT 340 (AAC) 570
- Evans v Information Commissioner* [2012] UKUT 313 (Upper Tribunal) 48–49, 572
- Felixstowe Dock & Railway Co v British Transport Docks Board* [1976] 2 Lloyd's Rep 656; [1976] 2 CMLR 655 195
- Findlay v United Kingdom* (1997) 24 EHRR 221 419
- Finucane's application for judicial review, Re* [2019] UKSC 7; [2019] 3 All ER 491 678

xx Table of Cases

- Fitzpatrick v Sterling Housing Association Ltd* [2001] 1 AC 27; [1999] 3 WLR 1113; [1999] 4 All ER 705 763
- Fletcher's Application, Re* [1970] 2 All ER 527 546
- Franklin v Minister of Town and Country Planning* [1948] AC 87; [1947] 2 All ER 289 659
- Frodl v Austria* (2011) 52 EHRR 5 723, 731
- Fuentes Bobo v Spain* (2001) 31 EHRR 50 717
- G Re* [2008] UKHL 38; [2009] 1 AC 173 751, 754
- Gallagher v Lynn* [1937] AC 863 487, 488–489
- Garland v British Rail Engineering Ltd* [1983] 2 AC 751; [1982] 2 WLR 918 72
- Ghaidan v Godin-Mendoza* [2004] UKHL 30; [2004] 2 AC 557; [2004] 3 WLR 113; [2004] 3 All ER 411 29, 268, 763–764, 766, 779, 818
- Gillan v United Kingdom* (2010) 50 EHRR 45 704, 784
- Glimmerveen and Hagenbeek v The Netherlands* (1982) 4 EHRR 260 797
- Godden v Hales* (1686) 11 St Tr 1165 151
- Goldsmith v Bhojru* [1998] QB 489 791
- Greens and MT v United Kingdom* (2011) 53 EHRR 21 357, 752
- Guardian News and Media v Incedal and Bouhadjar* [2014] EWCA Crim 1861 240
- Gunduz v Turkey* (2005) 41 EHRR 5 721
- Guzzardi v Italy* (1981) 3 EHRR 333 713
- H v Lord Advocate* [2012] UKSC 24; [2013] 1 AC 413 186
- Handyside v United Kingdom* [1976] ECHR 5; (1976) 1 EHRR 737; (1979) 1 EHRR 737 717, 725, 795, 808
- Hannover, von v Germany* (2006) 43 EHRR 7 732
- Hatton v United Kingdom* (2002) 34 EHRR 1 718
- Hirst v United Kingdom* (2006) 42 EHRR 41 27, 357, 706, 723, 728, 815, 817, 819
- HM Treasury v Mohammed Ahmed* see *A v HM Treasury* 0
- HM's application for Judicial Review* [2014] NIQB 43 765
- Hoekstra, Van Rijs, et al. v HM Advocate (No.2)* 2000 JC 387; 2000 SLT 602 132
- Hoffman-La Roche v Secretary of State for Trade and Industry* [1975] AC 295; [1974] 3 WLR 104; [1974] 2 All ER 1128 598
- Hogan v Information Commissioner* (EA/2005/0026) 565
- Horsnell v Boston BC* [2005] EWHC 1311 (QB) 666
- HTV v Price Commission* [1976] ICR 170 619
- Huang v Secretary of State for the Home Department* [2007] UKHL 11; [2007] 2 AC 167 718
- Hutchinson v United Kingdom* [2017] ECHR 65; Application No. 5759208/08, 17 January 2017 (GC) 729
- Imperial Tobacco, Petitioner* [2010] CSOH 134; 2010 SLT 1203 186
- Imperial Tobacco Ltd v Lord Advocate* [2012] UKSC 61; 2013 SLT 2 448]
- Inland Revenue Commissioners v National Federation of Self Employed and Small Businesses Ltd* [1982] AC 617; [1981] 2 WLR 722; [1981] 2 All ER 93 606, 607, 611
- International Transport Roth GmbH v Secretary of State for the Home Department* [2002] EWCA Civ 158; [2003] QB 728; [2002] 3 WLR 344 209
- Ireland v United Kingdom* (1979–80) 2 EHRR 25 701, 710, 711, 727

xxi Table of Cases

- Jones v Ministry of the Interior of Saudi Arabia and Others* [2006] UKHL 26; [2007] 1 AC 270; [2006] 2 WLR 1424; [2007] 1 All ER 113 77
- Kay v Commissioner of Police for the Metropolis* [2008] UKHL 69; [2008] 1 WLR 2723 803
- Kay v Lambeth LBC* [2006] UKHL 10; [2006] 2 AC 465; [2006] 2 WLR 570; [2006] 4 All ER 128 739, 756, 778
- Kaye v Robertson* [1991] FSR 62 744, 745
- Kennedy v Charity Commission* [2014] UKSC 20; [2015] AC 455 572–573, 577, 647, 651
- Kennedy v Information Commissioner* [2014] UKSC 20; [2015] AC 455 793
- Kingsley v United Kingdom* (2002) 35 EHRR 10 668
- Kulkarni v Milton Keynes Hospital NHS Trust* [2009] EWCA Civ 789; CA (Civ Div); reversing [2008] EWHC 1861 (QB); [2008] IRLR 949 668
- Kuwait Airways Corp v Iraqi Airways Co* [2002] UKHL 19; [2002] 2 AC 883; [2002] 2 WLR 1353; [2002] 3 All ER 209 73
- Lange v Atkinson, 28 October 1999* PC, Unreported 418
- Lawless v Ireland (No.3)* (1979–80) 1 EHRR 15 737
- Lingens v Austria* (1986) 8 EHRR 407 744, 745, 808
- Lion Laboratories v Evans* [1985] QB 526 791, 792
- Litster v Forth Dry Dock & Engineering Co Ltd* [1990] 1 AC 546; [1989] 2 WLR 634; [1989] 1 All ER 1134 196
- Liversidge v Anderson* [1942] AC 206 124
- Lloyd v McMahon* [1987] AC 625; [1987] 2 WLR 821; [1987] 1 All ER 1118 655, 661, 662
- Locabail (UK) Ltd v Bayfield Properties Ltd* [2000] QB 451; [2000] 2 WLR 870; [2000] 1 All ER 65 658
- Local Government Board v Arlidge* [1915] AC 120 655
- Local Government Byelaws (Wales) Bill, Re* [2012] UKSC 53; [2013] 1 AC 792 486
- Loizidou v Turkey* (1997) 23 EHRR 513 707
- M v Home Office* [1994] 1 AC 377; [1993] 3 WLR 433; [1993] 3 All ER 53 HL; affirming [1992] QB 270; [1992] 2 WLR 73; [1992] 4 All ER 97 42, 218, 219, 228, 270–271, 276, 279, 280, 320, 321
- Macarthy's Ltd v Smith* [1979] 1 WLR 1189; [1979] 3 All ER 325; [1979] ICR 785 195–196
- MacCormick v Lord Advocate* 1953 SC 396; 1953 SLT 255 439
- Madzimbamuto v Lardner Burke* [1969] 1 AC 645; [1968] 3 WLR 1229; [1968] 3 All ER 561 153
- Magyar Helsinki Bizottság v Hungary* [2016] All ER (D) 02 (Dec); Application No.18030/11, 8 November 2016 573
- Malone v Commissioner of Police of the Metropolis* [1979] Ch 344; [1979] 2 WLR 700; [1979] 2 All ER 620 226, 744, 745
- Malone v United Kingdom* (1985) 7 EHRR 14 228, 236
- Manchester City Council v Pinnock* [2010] UKSC 45; [2011] 2 AC 104 755
- Manuel v Attorney-General* [1983] Ch 77; [1982] 3 WLR 821; [1982] 3 All ER 822 52, 55
- Marais v France, Application No.31159/96 (1996)* 0 797
- Marbury v Madison* 5 US (1 Cranch) 137 (1803) 12, 16, 157, 257
- Marsh v Arscott* (1982) 75 Cr App Rep 211 811
- Martin v Lord Advocate* [2010] UKSC 10; 2010 SC (UKSC) 40; 2010 SLT 412 489

xxii Table of Cases

- Martin, C and Oxford City Council v Information Commissioner* (EA/2005/0026 AND 0030) 565
- Maxwell v Department of Trade and Industry* [1974] QB 523; [1974] 2 WLR 338; [1974] 2 All ER 122 667
- McCann v United Kingdom* (1996) 21 EHRR 97 713–714, 733
- McCartan Turkington Breen v Times Newspapers* [2001] 2 AC 277; [2000] 3 WLR 1670; [2000] 4 All ER 913 186, 793
- McCawley v The King* [1920] AC 691, PC (Aus) 32
- McDonald v McDonald* [2016] UKSC 28; [2016] 3 WLR 45 764, 778
- McFarlane v Relate Avon Ltd* [2010] EWCA Civ 880; [2010] IRLR 872 239
- McGonnell v United Kingdom* (2000) 30 EHRR 289 272, 275, 419–421
- McInnes v Onslow Fane* [1978] 1 WLR 1520; [1978] 3 All ER 211 666
- McKerr, Re* [2004] UKHL 12; [2004] 1 WLR 807; [2004] 2 All ER 409 772
- McKinney's Application, Re* [2006] NICA 15 [35] 343
- McLaren v Home Office* [1990] ICR 824; [1990] IRLR 338 346
- McNern, In re* [2020] NIQB 57 466
- Michalak v General Medical Council* [2017] UKSC 71; [2017] 1 WLR 4193 592
- Minister of Health v The King (on the Prosecution of Yaffe)* [1931] AC 494 626
- Moohan v Lord Advocate* [2014] UKSC 67; [2015] AC 901 189, 755, 819
- Moonen v Board of Film and Literature Board* [2000] 2 NZLR 9 751
- Mortensen v Peters* (1906) 14 SLT 227 176
- Mosley v News Group Newspapers Ltd* [2008] EWHC 1777 (QB); [2008] EMLR 20 720
- Mosley v United Kingdom* (2011) 53 EHRR 30 719, 720
- Mouvement Raëlien Suisse v Switzerland* (2013) 56 EHRR 14 796
- Murphy v Ireland* (2003) 38 EHRR 798
- N v Secretary of State for the Home Department* [2005] UKHL 31; [2005] 2 AC 296; [2005] 2 WLR 1124; [2005] 4 All ER 1017 753
- Nakkuda Ali v Jayaratne* [1951] AC 66 655
- Ndidi v United Kingdom* [2017] ECHR 781 725
- Neilson v Laugharne* [1981] QB 736 595
- Northern Ireland Human Rights Commission for Judicial Review, In the matter of an application by the* [2018] UKSC 27; [2019] 1 All ER 173 777
- Norwood v United Kingdom* (2005) 40 EHRR SE11 797
- O'Reilly v Mackman* [1983] 2 AC 237; [1982] 3 WLR 1096; [1982] 3 All ER 112 613, 614, 615
- Oberschlick v Austria* (1995) 19 EHRR 389 794
- Öcalan v Turkey* (2005) 41 EHRR 45 707
- Occidental Petroleum v Ecuador see Ecuador Occidental Exploration & Production Co O*
- Open Door Counselling Ltd and Dublin Well Woman Centre v Ireland* (1993) 15 EHRR 244 716
- Otto-Preminger Institute v Austria* (1995) 19 EHRR 34 721
- Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997; [1968] 2 WLR 924; [1968] 1 All ER 694 635, 639
- Pavel Ivanov v Russia, Application No.35222/04 (2007) O* 797
- Pedro v Diss* [1981] 2 All ER 59 218

xxiii Table of Cases

- Pepper v Hart* [1993] AC 593; [1992] 3 WLR 1032; [1993] 1 All ER 42 44, 220, 418
PF and EF v United Kingdom [2010] ECHR 2015 733–734
Pham v Secretary of State for the Home Department [2015] UKSC 19; [2015] 1 WLR 1591 92, 202, 652
Phillips v Eyre (1870) LR 6 QB 1 178, 231
Pickin v British Railways Board see *British Railways Board v Pickin* 0
Pickstone v Freemans Plc [1989] AC 66; [1988] 3 WLR 265; [1988] 2 All ER 803 196
Plattform ‘Ärzte für das Leben’ v Austria (1988) 13 EHRR 204 806
Poplar Housing & Regeneration Community Association Ltd v Donoghue [2001] EWCA Civ 595; [2002] QB 48; [2001] 3 WLR 183; [2001] 4 All ER 604 762
Porter v Magill [2001] UKHL 67; [2002] 2 AC 357; [2002] 2 WLR 37; [2002] 1 All ER 465 638, 639, 640, 660, 668, 683
Prince’s Case (1606) 8 Co Rep 1a 505 164
Procola v Luxembourg (1996) 22 EHRR 193 275, 421
R (A) v B (Investigatory Powers Tribunal: Jurisdiction) [2009] UKSC 12; [2010] 2 AC 1; [2010] 2 WLR 1; [2010] All ER 1149 243
R (A) v Secretary of State for Health [2017] UKSC 41; [2017] 1 WLR 2492 251, 719
R (A) v Secretary of State for the Home Department [2006] EWHC 526 (Admin) 675
R (Abbasi) v Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598; [2003] UKHRR 76 599, 676, 677
R (Alconbury Investments) v Secretary of State for the Environment, Transport and the Regions [2001] UKHL 23; [2003] 2 AC 295 251
R (Al-Haq) v Secretary of State for Foreign and Commonwealth Affairs [2009] EWHC 1910 (Admin) 608
R (Ali) v Secretary of State for the Home Department [2003] EWHC 899 618
R (Al-Jedda) v Secretary of State for Defence [2007] UKHL 58; [2008] 1 AC 332; [2008] 2 WLR 31; [2008] 3 All ER 28 80
R (Al-Rawi) v Secretary of State for Foreign and Commonwealth Affairs [2006] EWCA Civ 1279; [2008] QB 289; [2007] 2 WLR 1219 600
R (Al-Skeini) v Secretary of State for Defence [2007] UKHL 26; [2008] 1 AC 153; [2007] 3 WLR 33; [2007] 3 All ER 685 708
R (Animal Defenders International) v Secretary of State for Culture, Media and Sport [2008] UKHL 15; [2008] 1 AC 1312; [2008] 2 WLR 781; [2008] 3 All ER 193 192, 717, 755, 758, 766, 798
R (Anufrijeva) v Secretary of State for the Home Department [2003] UKHL 36; [2004] 1 AC 604; [2003] 3 WLR 252; [2003] 3 All ER 827 663, 670
R (Asha Foundation) v Millennium Commission [2003] EWCA Civ 88 670
R (Bailey) v London Borough of Brent Council [2011] EWHC 2572 (Admin) 250
R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 2) [2008] UKHL 61; [2009] 1 AC 453; [2008] 3 WLR 955; [2008] 4 All ER 1055 40, 174, 677
R (Bancoult) v Secretary of State for the Foreign and Commonwealth Office [2001] QB 1067; [2001] 2 WLR 1219 628
R (BAPIO Action Ltd) v Secretary of State for the Home Department [2008] UKHL 27; [2008] 1 AC 1003; [2008] 2 WLR 1073; [2009] 1 All ER 93; HL; affirming [2007] EWCA Civ 1139; [2008] ACD 7 662, 664, 665, 671

xxiv Table of Cases

- R (Beer) v Hampshire Farmers Markets Ltd* [2003] EWCA Civ 1056; [2004] 1 WLR 233 603, 778
- R (Begum) v Denbigh High School Governors 2* [2006] UKHL 15; [2007] 1 AC 100; [2006] 2 WLR 719; [2006] 2 All ER 487 772, 773
- R (Ben Hoare Bell Solicitors) v Lord Chancellor* [2015] EWHC 523 (Admin); [2015] 1 WLR 4175 772, 773
- R (Bhatt Murphy) v Independent Assessor* [2008] EWCA Civ 755 679, 682
- R (Black) v Secretary of State for Justice* [2017] UKSC 81; [2018] AC 215 321
- R (Boyle) v Haverhill Pub Watch* [2009] EWHC 2441 605
- R (Bradley) v Secretary of State for Work and Pensions* [2008] EWCA Civ 36; [2009] QB 114; [2008] 3 WLR 1059; [2008] 3 All ER 1116; [2008] Pens. L.R. 103; CA (Civ Div); reversing in part [2007] EWHC 242 (Admin) 549
- R (Brooke) v Parole Board* [2008] EWCA Civ 29; [2008] 1 WLR 1950; [2008] 3 All ER 289 275
- R (Bourgass) v Secretary of State for Justice* [2015] UKSC 54; [2016] AC 384 631
- R (Buckingham CC) v Secretary of State for Transport (HS2)* [2014] UKSC 3; [2014] 1 WLR 324 7, 186, 202, 204, 210, 570
- R (Buglife: The Invertebrate Conservation Trust) v Medway Council* [2011] EWHC 746 (Admin) 613
- R (Campaign for Nuclear Disarmament) v Prime Minister* [2002] EWHC 2777 (Admin) 71
- R (Cart) v Upper Tribunal* [2009] EWHC 3052 (QB); [2010] 2 WLR 1012; [2010] 1 All ER 908 177
- R (Cart) v Upper Tribunal* [2011] 2 WLR 36; [2010] EWCA Civ 859 237
- R (Cart) v Upper Tribunal* [2012] 1 AC 663; [2011] UKSC 28 589, 633
- R (Chester) v Secretary of State for Justice* [2010] EWCA Civ 1439; [2011] 1 WLR 1436; [2011] UKHRR 53 357, 818
- R (Chester) v Secretary of State for Justice* [2013] UKSC 63; [2014] AC 271 769, 817, 818–919
- R (Chief Constable of the West Midlands) v Birmingham Magistrates Court* [2002] EWHC 1087 631
- R (Condliff) v North Staffordshire Primary Care Trust* [2011] EWCA Civ 910; [2012] 1 All ER 689; (2011) 121 BMLR 192 736
- R (Condrón) v National Assembly for Wales* [2006] EWCA Civ 1573 659
- R (Corner House Research) v Secretary of State for Trade and Industry* [2005] EWCA Civ 192; [2005] 1 WLR 2600 595
- R (Corner House Research) v Serious Fraud Office* [2008] UKHL 60; [2009] 1 AC 756; [2008] 3 WLR 568; [2008] 4 All ER 927 HL; reversing [2008] EWHC 714 70, 71, 241, 242, 336, 413, 584, 595
- R (Counsel General for Wales) v Secretary of State for Business Energy and Industrial Strategy* [2021] EWHC 950 (Admin) 473
- R (Countryside Alliance) v Attorney General* [2007] UKHL 52; [2008] 1 AC 719; [2007] 3 WLR 922; [2008] 2 All ER 95 32, 696
- R (DA) v Secretary of State for Work and Pensions* [2019] UKSC 21; [2019] 1 WLR 3289 74

xxv Table of Cases

- R (Daly) v Secretary of State for the Home Department* [2001] UKHL 26; [2001] 2 AC 532; [2001] 2 WLR 1622; [2001] 3 All ER 433 585, 648
- R (Dixon) v Secretary of State for the Environment, Food and Rural Affairs* [2002] EWHC 831 (Admin) 225
- R (Doy) v Commissioner for Local Administration* [2001] EWHC Admin 361 545
- R (Edison First Power Ltd) v Secretary of State For Environment, Transport & Regions* [2000] EWHC (Admin) 317 628
- R (Elan-Cane) v Secretary of State for the Home Department* [2021] UKSC 56 751
- R (European Roma Rights Centre) v Immigration Officer, Prague Airport* [2004] UKHL 55; [2005] 2 AC 1; [2005] 2 WLR 1; [2005] 1 All ER 527 76
- R (Evans) v Lord Chancellor* [2011] EWHC 1146 (Admin); [2012] 1 WLR 838; [2011] 3 All ER 594 237
- R (Evans) v Attorney-General* [2015] UKSC 21; [2015] 1 AC 1787 183, 185, 243–45, 570, 571–572, 817
- R (Evans) v Secretary of State for Defence* [2010] EWHC 1445 (Admin); [2011] ACD 11 607
- R (F and Thompson) v Secretary of State for the Home Department* [2010] UKSC 17; [2011] 1 AC 331; [2010] 2 WLR 992; [2010] 2 All ER 707 768
- R (Farrakhan) v Secretary of State for the Home Department* [2002] EWCA Civ 606; [2002] QB 1391; [2002] 3 WLR 481; [2002] 4 All ER 289 600
- R (Freedom and Justice Party) v The Secretary of State for Foreign and Commonwealth Affairs* [2018] EWCA Civ 1719; [2019] 2 WLR 578 79
- R (Friends of the Earth Ltd) v Heathrow Airport Ltd* [2020] UKSC 52 646
- R (Gentle) v Prime Minister* [2008] UKHL 20; [2008] 1 AC 1356 754
- R (Ghai) v Newcastle City Council* [2010] EWCA Civ 59; [2011] QB 591; [2010] 3 WLR 737 634
- R (Gillan) v Commissioner of Police of the Metropolis* [2006] UKHL 12; [2006] 2 AC 307; [2006] 2 WLR 537; [2006] 4 All ER 1041 236
- R (Good Law Project) v Minister for the Cabinet Office* [2021] EWHC 1569 (TCC) 610, 661
- R (Greenfield) v Secretary of State for the Home Department* [2005] UKHL 14; [2005] 1 WLR 673; [2005] 2 All ER 240 775
- R (Gulf Centre for Human Rights) v Prime Minister* [2018] EWCA Civ 1855 74
- R (Haw) v Secretary of State for the Home Department* [2006] EWCA Civ 532; [2006] QB 780 805
- R (Holmcraft Properties Ltd) v KPMG LLP* [2018] EWCA Civ 2093 605
- R (Horvath) v Secretary of State for the Environment, Food and Rural Affairs* [2007] EWCA Civ 620 445
- R (Howard League for Penal Reform) v Lord Chancellor* [2014] EWHC 709 (Admin) 213
- R (Hurley and Moore) v Secretary of State for Business Innovation and Skills* [2012] EWHC (Admin) 201; [2012] HRLR 13 616–617
- R (Jackson) v Attorney General* [2005] UKHL 56; [2006] 1 AC 262; [2005] 3 WLR 733; [2005] 4 All ER 1253, HL; affirming [2005] EWCA Civ 126; [2005] QB 579 28, 31–32, 39, 145, 150, 157, 167, 168–173, 208, 209, 245, 249, 263, 278, 284, 325, 401
- R (Jackson) v Attorney General* [2006] 1 AC 56 149, 153, 189, 401

xxvi Table of Cases

- R (Jenkins) v Marsh Farm Community Development Trust* [2011] EWHC 1097 605
R (Johnson) v Secretary of State for the Home Department [2016] UKSC 56; [2017] AC 365 767
R (Kambadzi) v Secretary of State for the Home Department [2011] UKSC 23; [2011] 1 WLR 1299; [2011] 4 All ER 975 672
R (Keyu) v Secretary of State for Foreign and Commonwealth Affairs [2015] UKSC 69, [2015] 3 WLR 1665; [2016] AC 1355 76, 653, 755
R (KM) v Cambridgeshire County Council [2012] UKSC 23; [2012] 3 All ER 1218 585
R (Laporte) v Chief Constable of Gloucestershire [2006] UKHL 55; [2007] 2 AC 105 800, 803, 806, 807
R (Lewis) v Persimmon Homes Teesside Ltd [2008] EWCA Civ 746; [2009] 1 WLR 83, CA (Civ Div); reversing in part [2007] EWHC 3166 (Admin); [2008] ACD 38 659, 660, 661
R (Lewis) v Redcar & Cleveland BC [2007] EWHC (Admin) 3166; [2008] ACD 38 660
R (Lord Carlile) v Secretary of State for the Home Department [2015] AC 945; [2014] UKSC 60 584, 719
R (MA) v Secretary of State for Work and Pensions [2016] UKSC 58; [2016] 1 WLR 4550 719
R (Mahmood) v Secretary of State for the Home Department [2001] 1 WLR 840; [2000] EWCA Civ 315 647
R (Mayor and Citizens of the City of Westminster) v Mayor of London [2002] EWHC 2440 (Admin) 636
R (McClure) v Commissioner of Police for the Metropolis [2012] EWCA Civ 12 814
R (McDonald) [2011] UKSC 33; [2011] 4 All ER 881 250
R (Miller) v Prime Minister; Cherry v Advocate General for Scotland [2019] UKSC 41; [2019] 3 WLR 589 39, 43, 128, 283, 288–289, 291–293, 364, 368
R (Miller) v Secretary of State for Exiting the European Union [2016] EWHC 2768 (Admin) 20, 31, 107, 119, 424
R (Miller) v Secretary of State for Exiting the European Union [2017] UKSC 5; [2017] 2 WLR 583 29, 31, 41, 56–57, 66, 69, 71, 92, 107, 108, 119, 155–156, 174, 175, 186, 202, 204, 205, 472, 484
R (Mohamed, Binyam) v Secretary of State for Foreign and Commonwealth Affairs [2008] EWHC 2048 (Admin); [2009] 1 WLR 2579 214
R (Mohamed, Binyam) v Secretary of State for Foreign and Commonwealth Affairs [2009] EWHC 2549 (Admin); [2009] 1 WLR 2653 240
R (Mohamed, Binyam) v Secretary of State for Foreign and Commonwealth Affairs [2010] EWCA Civ 65; [2011] QB 218; [2010] 3 WLR 554; [2010] 4 All ER 91 240
R (Molinaro) v Royal Borough of Kensington and Chelsea [2001] EWHC Admin 896; [2002] BLGR 336 635
R (Moseley) v Haringey LBC [2014] UKSC 56; [2014] 1 WLR 3947 664
R (Nasseri) v Secretary of State for the Home Department [2009] UKHL 23; [2010] 1 AC 1; [2009] 2 WLR 1190; [2009] 3 All ER 774 772
R (National Secular Society) v Bideford Town Council [2012] HC 175 (Admin); [2012] 2 All ER 1175 510
R (New College London) v Secretary of State for the Home Department [2013] UKSC 51; [2013] 1 WLR 2358 43
R (Nicklinson) v Ministry of Justice [2014] UKSC 38; [2015] AC 657 770

xxvii Table of Cases

- R (Osborn) v Parole Board* [2013] UKSC 61; [2014] 1 AC 1115 654, 666, 746
R (PKK) v Secretary of State for the Home Department [2002] EWHC 644 (Admin) 614
R (Plantagenet Alliance) v Secretary of State for Justice [2014] EWHC 1662; [2015] 3 All ER 261 609, 665
R (ProLife Alliance) v British Broadcasting Corporation [2002] EWCA Civ 297; [2002] 3 WLR 1080; [2003] UKHL 23; [2004] 1 AC 185 796
R (ProLife Alliance) v British Broadcasting Corporation [2013] EHRLR 651 797
R (Public Law Project) v Lord Chancellor [2016] UKSC 39; [2016] 3 WLR 387 32
R (Purdy) v Director of Public Prosecutions [2009] UKHL 45; [2010] 1 AC 345; [2009] 3 WLR 403; [2009] 4 All ER 1147 235, 241
R (Q) v Secretary of State for the Home Department [2003] EWCA Civ 364; [2004] QB 36; [2003] 3 WLR 365; [2003] 2 All ER 905 274
R (Quark Fishing Ltd) v Secretary of State for Foreign and Commonwealth Affairs [2005] UKHL 57; [2006] 1 AC529; [2005] 3 WLR 837; [2006] 3 All ER 111 323
R (Quila) v Secretary of State for the Home Department [2011] UKSC 48; [2012] 1 AC 621 718, 755
R (Quintaville) v Secretary of State for Health [2003] UKHL 13; [2003] 2 AC 687 44
R (Reilly & Hewstone) v Secretary of State for Work and Pensions [2014] EWHC 2182 (Admin) 232
R (Reilly & Hewstone) v Secretary of State for Work and Pensions [2016] EWCA Civ 413; [2016] 3 WLR 1641 232
R (Reilly & Wilson) v The Secretary of State for Work and Pensions [2013] UKSC 68; [2013] 3 WLR 1276 232
R (Rogers) v Swindon NHS Primary Care Trust [2006] EWCA Civ 392; [2006] 1 WLR 2649 650
R (S) v Secretary of State for the Home Department [2006] EWCA Civ 1157; CA (Civ Div); affirming [2006] EWHC 1111 (Admin) 136–137
R (SG) v Secretary of State for Work and Pensions [2015] UKSC 16; [2015] 1 WLR 1449 73
R (Secretary of State for the Home Department) v Humberside Police Authority [2004] EWHC 1642 (Admin) 611
R (Secretary of State for the Home Department) v Mental Health [2007] EWHC 2224 (Admin); [2008] MHLR 212 645
R (Shoesmith) v OFSTED [2011] EWCA Civ 642; IRLR 679 637, 663
R (Smith) v Parole Board [2005] UKHL 1; [2005] 1 WLR 350 666
R (Southall) v Secretary of State for Foreign and Commonwealth Affairs [2003] EWCA Civ 1002 52
R (Ullah) v Special Adjudicator [2004] UKHL 26; [2004] 2 AC 323; [2004] 3 WLR 23; [2004] 3 All ER 785 753
R (UNISON) v Lord Chancellor [2017] UKSC 51; [2017] 3 WLR 409 182, 237, 238, 242
R (West) v Lloyd's of London [2004] EWCA Civ 506; [2004] 3 All ER 251 602
R (West) v Parole Board [2002] EWCA Civ 1641; [2003] 1 WLR 705 666
R (Wilkinson) v Inland Revenue Commissioners [2005] UKHL 30; [2005] 1 WLR 1718; [2006] 1 All ER 529 764

xxviii Table of Cases

- R (Woolas) v Parliamentary Electoral Court* [2010] EWHC 3169 (Admin); [2012] QB 1; [2011] 2 WLR 1362 360
- R v A* [2001] UKHL 25; [2002] 1 AC 45; [2001] 2 WLR 1546; [2001] 3 All ER 1 270, 762, 766
- R v Barnsley MBC Ex p. Hook* [1976] 1 WLR 1052; [1976] 3 All ER 452 665
- R v Board of Visitors of Hull Prison Ex p. St Germain (No.2)* [1979] 1 WLR 1401; [1979] 3 All ER 545 612, 667
- R v Bow Street Metropolitan Stipendiary Magistrate Ex p. Pinochet (No. 3)* [2000] 1 AC 147; [1999] 2 WLR 827; [1999] 2 All ER 97 81, 82
- R v Bow Street Metropolitan Stipendiary Magistrate Ex p. Pinochet Ugarte (No.2)* [2000] 1 AC 119; [1999] 2 WLR 272; [1999] 1 All ER 577 657
- R v C* [2004] EWCA Crim 292; [2004] 1 WLR 2098; [2004] 3 All ER 1 234
- R v Cambridge Health Authority Ex p. B* [1995] 1 WLR 898; [1995] 2 All ER 129 128, 587, 647
- R v Chambers* [2008] EWCA Crim 2467 235
- R v Chaytor* [2010] UKSC 52; [2011] 1 A.C. 684 221
- R v Chief Constable of North Wales Police, Ex p. Evans* [1982] 1 WLR 1155 583
- R v Chief Constable of Sussex Ex p. International Trader's Ferry Ltd* [1999] 2 AC 418; [1998] 3 WLR 1260; [1999] 1 All ER 129 651, 652
- R v Chief Constable of the Thames Valley Police Ex p. Cotton* [1990] IRLR 344 662
- R v Chief Rabbi Ex p. Wachmann* [1992] 1 WLR 1036; [1993] 2 All ER 249 601
- R v Cockerton* [1901] 1 QB 726 CA 509
- R v Cole* [2008] EWCA Crim 3234; (2009) 173 CL & J 39 659
- R v Commissioner for Local Administration Ex p. Croydon London Borough Council* [1989] 1 All ER 1033 643
- R v Commissioner of Police of the Metropolis Ex p. Parker* [1953] 1 WLR 1150; [1953] 2 All ER 717 655
- R v Criminal Injuries Compensation Board Ex p. A* [1999] 2 AC 330; [1999] 2 WLR 974 633
- R v Darnel* (1627) 3 State Tr 1 27
- R v Derbyshire CC Ex p. Noble* [1990] I.C.R. 808 597
- R v Devon County Council Ex p. Baker* [1995] 1 All ER 73 673
- R v Director of Public Prosecutions Ex p. Bull* [1999] 1 WLR 347; [1998] 2 All ER 755 609
- R v Director of Public Prosecutions Ex p. Kebilene* [2000] 2 AC 326; [1999] 3 WLR 972; [1999] 4 All ER 801 742, 764
- R v Director of Public Prosecutions Ex p. Manning* [2001] QB 330; [2000] 3 WLR 463 644
- R v Felixstowe Justices Ex p. Leigh* [1987] QB 582; [1987] 2 WLR 380; [1987] 1 All ER 551 240
- R v Football Association Ex p. Football League* [1993] 2 All ER 833 601
- R v Gaming Board for Great Britain Ex p. Benaim* [1970] 2 QB 417; [1970] 2 WLR 1009; [1970] 2 All ER 528 663
- R v Gough* [1993] AC 646; [1993] 2 WLR 883; [1993] 2 All ER 724 657
- R v Halliday ex parte Zadig* [1917] A.C. 260 33, 599

xxix Table of Cases

- R v Hampden* (1637) 3 State Tr 826 27, 317
- R v Higher Education Funding Council Ex p. Institute of Dental Surgery* [1994] 1 WLR 242; [1994] 1 All ER 651 668, 669
- R v HM Advocate* [2002] UKPC D 3; [2004] 1 AC 462; [2003] 2 WLR 317; 2003 SC (PC) 21 186, 493
- R v HM Queen in Council Ex p. Vijayatunga* [1990] 2 QB 444; [1989] 3 WLR 13; [1989] 2 All ER 843; CA (Civ Div); affirming [1988] QB 322; [1988] 2 WLR 106; [1987] 3 All ER 204 620
- R v HM Treasury Ex p. Smedley* [1985] QB 657; [1985] 2 WLR 576; [1985] 1 All ER 589 606, 607
- R v Horncastle* [2009] UKSC 14; [2010] 2 AC 373; [2010] 2 WLR 47; [2010] 2 All ER 359 754–756
- R v Horseferry Road Magistrates Court Ex p. Bennett* [1994] 1 AC 42; [1993] 3 WLR 90; [1993] 3 All ER 138 240–241, 413
- R v Howell* [1982] QB 416 802–803, 807
- R v Inland Revenue Commissioners Ex p. MFK Underwriting Agencies* [1990] 1 WLR 1545; [1990] 1 All ER 91 680
- R v Inland Revenue Commissioners Ex p. Preston* [1985] AC 835; [1985] 2 WLR 836; [1985] 2 All ER 327 614, 623
- R v Inland Revenue Commissioners Ex p. Rossminster Ltd* [1980] AC 952; [1980] 2 WLR 1; [1980] 1 All ER 80 224, 225, 230, 317
- R v Inner London Education Authority Ex p. Westminster City Council* [1986] 1 WLR 28; [1986] 1 All ER 19 640
- R v Inspectorate of Pollution Ex p. Greenpeace Ltd (No.2)* [1994] 4 All ER 329 609
- R v IRC, ex parte Rossminster* [1980] AC 952 817
- R v Jockey Club Ex p. Aga Khan* [1993] 1 WLR 909; [1993] 2 All ER 853 601
- R v Jones (Margaret) and Others* [2006] UKHL 16; [2007] 1 AC 136; [2006] 2 WLR 772; [2006] 2 All ER 741 76, 78–79, 81
- R v Jordan* [1967] Crim LR 483 176, 177
- R v K* [2001] UKHL 41; [2002] 1 AC 462 44
- R v Keyn* (1876) L.R. 2 Ex D 63 62, 77
- R v Lambert* [2001] UKHL 37; [2002] 2 AC 545; [2001] 3 WLR 206; [2001] 3 All ER 577 763
- R v Legal Aid Board Ex p. Duncan* [2000] COD 159 238
- R v Local Commissioner for Local Government Ex p. Liverpool City Council* [2001] 1 All ER 462 540
- R v Lord Chancellor Ex p. Witham* [1998] QB 575; [1998] 2 WLR 849; [1997] 2 All ER 779 129, 164, 180, 182–183, 185, 187, 237, 264, 266, 282, 746
- R v Lyons* [2002] UKHL 44; [2003] 1 AC 976; [2002] 3 WLR 1562; [2002] 4 All ER 1028 70, 178
- R v Medical Appeal Tribunal Ex p. Gilmore* [1957] 1 QB 574; [1957] 2 WLR 498; [1957] 1 All ER 796 179
- R v Ministry of Agriculture, Fisheries and Food Ex p. Hamble (Offshore) Fisheries Ltd* [1995] 2 All ER 714 674

xxx Table of Cases

- R v Ministry of Defence Ex p. Smith* [1996] QB 517; [1996] 2 WLR 305; [1996] 1 All ER 257 647, 648
- R v Monopolies and Mergers Commission Ex p. Argyll Group* [1986] 1 WLR 763; [1986] 2 All ER 257 605
- R v Morley* (1760) 2 Burr 1041 243
- R v North and East Devon Health Authority Ex p. Coughlan* [1999] EWCA Civ 1871; [2001] QB 213; [2000] 2 WLR 622; [2000] 3 All ER 850 673–675, 678–680
- R v Offen* [2001] 1 WLR 253; [2001] 2 All ER 154 186
- R v Panel on Takeovers and Mergers Ex p. Datafin Plc* [1987] QB 815; [1987] 2 WLR 699; [1987] 1 All ER 564 600–602
- R v Parliamentary Commissioner for Administration Ex p. Dyer* [1994] 1 WLR 621; [1994] 1 All ER 375 539, 546
- R v R* [1992] 1 AC 599; [1991] 3 WLR 767; [1991] 4 All ER 481 233–234
- R v Safi (Ali Ahmed) and others* [2003] EWCA Crim 1809; [2004] 1 Cr App R 14 136
- R v Secretary of State for Education and Employment Ex p. Begbie* [2000] 1 WLR 1115 676–678, 680
- R v Secretary of State for Employment Ex p. Equal Opportunities Commission* [1995] 1 AC 1; [1994] 2 WLR 409; [1994] 1 All ER 910 610
- R v Secretary of State for Foreign and Commonwealth Affairs Ex p. Rees-Mogg* [1994] QB 552; [1994] 2 WLR 115; [1994] 1 All ER 457 66, 607
- R v Secretary of State for Foreign and Commonwealth Affairs Ex p. World Development Movement Ltd* [1995] 1 WLR 386; [1995] 1 All ER 611 609–610, 629–630
- R v Secretary of State for Health Ex p. United States Tobacco International Inc* [1992] QB 353; [1991] 3 WLR 529; [1992] 1 All ER 212 674
- R v Secretary of State for the Environment Ex p. Hammersmith and Fulham LBC* [1991] 1 AC 521; [1990] 3 WLR 898; [1990] 3 All ER 589 128, 646
- R v Secretary of State for the Environment Ex p. Kirkstall Valley Campaign Ltd* [1996] 3 All ER 304 659
- R v Secretary of State for the Environment Ex p. Nottinghamshire CC* [1986] AC 240; [1986] 2 WLR 1; [1986] 1 All ER 199 128, 606
- R v Secretary of State for the Environment Ex p. Rose Theatre Trust* [1990] 1 QB 504; [1990] 2 WLR 186; [1990] 1 All ER 754 608–609
- R v Secretary of State for the Home Department Ex p. Al-Fayed* [1998] 1 WLR 763; [1997] 1 All ER 228 671
- R v Secretary of State for the Home Department Ex p. Anderson* [2002] UKHL 46; [2003] 1 AC 837; [2002] 3 WLR 1800; [2002] 4 All ER 1089 283
- R v Secretary of State for the Home Department Ex p. Brind* [1991] 1 AC 696; [1991] 2 WLR 588; [1991] 1 All ER 720 651–652, 745–746, 771, 792–793
- R v Secretary of State for the Home Department Ex p. Bugdaycay* [1987] AC 514; [1987] 2 WLR 606; [1987] 1 All ER 940 649
- R v Secretary of State for the Home Department Ex p. Doody* [1994] 1 AC 531; [1993] 3 WLR 154; [1993] 3 All ER 92 631, 663–665, 669
- R v Secretary of State for the Home Department Ex p. Fire Brigades Union* [1995] 2 AC 513; [1995] 2 WLR 464; [1995] 2 All ER 244 41, 43, 174, 263, 285, 418, 586, 589–590, 631, 817

xxxi Table of Cases

- R v Secretary of State for the Home Department Ex p. Hargreaves* [1997] 1 WLR 906; [1997] 1 All ER 397 674
- R v Secretary of State for the Home Department Ex p. Hindley* [2000] UKHL 21; [2001] 1 AC 410; [2000] 2 WLR 730; [2000] 2 All ER 385 606, 641
- R v Secretary of State for the Home Department Ex p. Hosenball* [1977] 1 WLR 766; [1977] 3 All ER 452 52
- R v Secretary of State for the Home Department Ex p. Khan (Asif Mahmood)* [1984] 1 WLR 1337; [1985] 1 All ER 40 673, 675
- R v Secretary of State for the Home Department Ex p. Leech (No.2)* [1994] QB 198; [1993] 3 WLR 1125; [1993] 4 All ER 539 129, 746
- R v Secretary of State for the Home Department Ex p. Northumbria Police Authority* [1989] QB 26; [1988] 2 WLR 590; [1988] 1 All ER 556 38, 805
- R v Secretary of State for the Home Department Ex p. Pierson* [1998] AC 539 177, 178
- R v Secretary of State for the Home Department Ex p. Simms* [2000] 2 AC 115; [1999] 3 WLR 328; [1999] 3 All ER 400 118, 181–182, 185, 242, 278, 628, 746, 790, 817
- R v Secretary of State for the Home Department Ex p. Tarrant* [1985] QB 251; [1984] 2 WLR 613; [1984] 1 All ER 799 668
- R v Secretary of State for the Home Department Ex p. Venables* [1998] AC 407; [1997] 3 WLR 23; [1997] 3 All ER 97 227, 284, 637
- R v Secretary of State for the Home Department, Ex p. Cheblak* [1991] 1 WLR 890 809–810
- R v Secretary of State for Transport Ex p. Factortame Ltd (C-213/89)* [1990] 2 Lloyd's Rep 351; [1990] ECR I-2433; [1990] 3 CMLR 1 197
- R v Secretary of State for Transport Ex p. Factortame Ltd (No.1)* [1990] 2 AC 85; [1989] 2 WLR 997; [1989] 2 All ER 692; [1989] 3 CMLR 1; HL; affirming [1989] 2 CMLR 353 197–198, 201, 203
- R v Secretary of State for Transport Ex p. Factortame Ltd (No.2)* [1991] 1 AC 603; [1990] 3 WLR 818; [1991] 1 All ER 70 102, 189, 198–199, 201, 204, 281, 588, 589
- R v Secretary of State for Transport Ex p. Richmond upon Thames LBC (No.4)* [1996] 1 WLR 1460; [1996] 4 All ER 903; CA (Civ Div); affirming [1996] 1 WLR 1005; [1996] 4 All ER 93 669
- R v Shayler* [2002] UKHL 11; [2003] 1 AC 247; [2002] 2 WLR 754; [2002] 2 All ER 477 557, 790
- R v Somerset CC Ex p. Fewings* [1995] 1 WLR 1037; [1995] 3 All ER 20; CA (Civ Div); affirming [1995] 1 All ER 513 228, 622, 636, 638
- R v Sussex Justices Ex p. McCarthy* [1924] 1 KB 256 275, 656
- R v Swale Borough Council Ex p. Royal Society for the Protection of Birds* [1991] JPL 39 613
- R v Tower Hamlets London Borough Council Ex p. Chetnik Developments Ltd* [1988] AC 858; [1988] 2 WLR 654; [1988] 1 All ER 961 638
- R (on the application of DR) v Head Teacher of St George's Catholic School Head Teacher* [2002] EWCA Civ 1822; [2003] BLGR 371 614
- Rabone v Penine Care NHS Trust* [2012] UKSC 2; [2012] 2 AC 72; [2012] 2 WLR 381 754, 776
- Rayner (JH) (Mincing Lane) Ltd v Department of Trade and Industry* [1990] 2 AC 418; [1989] 3 WLR 969; [1989] 3 All ER 523 66

xxxii Table of Cases

- Recovery of Medical Costs for Asbestos Diseases (Wales) Bill, Re* [2015] UKSC 3; [2015] 1 AC 1016 486, 491
- Redmond-Bate v Director of Public Prosecutions* [2000] HRLR 249 806
- Reference re Amendment of the Constitution of Canada* [1981] 1 SCR 753 51
- Reynolds v Times Newspapers Ltd* [2001] 2 AC 127; [1999] 3 WLR 1010; [1999] 4 All ER 609 418, 791
- Ridge v Baldwin* [1964] AC 40; [1963] 2 WLR 935; [1963] 2 All ER 66 590, 655, 662, 664
- Ringelsen v Austria (No.1)* (1979–80) 1 EHRR 455 275, 419
- Roberts v Hopwood* [1925] AC 578 133, 635
- Robinson v Secretary of State for Northern Ireland* [2002] UKHL 32; [2002] NI 390 186, 462
- Roose v Parole Board* [2010] EWHC 1780 (Admin) 668
- Roy v Kensington and Chelsea and Westminster Family Practitioner Committee* [1992] 1 AC 624; [1992] 2 WLR 239; [1992] 1 All ER 705 615
- S (A Child) (Identification: Restriction on Publication)*, [2004] UKHL 47; [2005] 1 AC 593; [2004] 3 WLR 1129; [2004] 4 All ER 683 719
- S v L (No.2)* [2012] UKSC 30; 2013 SC (UKSC) 20 764
- Saadi v Italy* (2009) 49 EHRR 30 712
- Sahin v Turkey* (2007) 44 EHRR 5 722
- Salvesen v Riddell* [2013] UKSC 22; [2013] HRLR 23 491
- Schenck v United States* (1919) 249 US 47 796
- Schmidt v Secretary of State for Home Affairs* [1969] 2 Ch 149; [1969] 2 WLR 337; [1969] 1 All ER 904 673
- Scoppola v Italy (No.3)* [2012] ECHR 868 731, 732, 819
- Scotch Whisky Association v Lord Advocate* [2017] UKSC 76; [2018] 2 CMLR 6 471
- Scott v Scott* [1913] AC 417 43, 240
- Secretary of State for Defence v Guardian Newspapers Ltd* [1985] AC 339 30
- Secretary of State for Education and Science v Tameside MBC* [1977] AC 1014; [1976] 3 WLR 641; [1976] 3 All ER 665 128, 134, 643, 644
- Secretary of State for the Home Department v AF* [2009] UKHL 28; [2010] 2 AC 269; [2009] 3 WLR 74; [2009] 3 All ER 643 736, 763
- Secretary of State for the Home Department v MB* [2007] UKHL 46; [2008] 1 AC 440; [2007] 3 WLR 681; [2008] 1 All ER 657CA (Civ Div); reversing [2006] EWHC 1000 249
- [Sejdic] v Bosnia and Herzegovina* [2009] ECHR 2122 721
- Shaw v DPP* [1962] AC 220 44, 267
- Sheffield and Horsham v United Kingdom* [1998] 2 FLR 928; (1999) 27 EHRR 163 718
- Short v Poole Corp* [1926] Ch 66 642
- Shrewsbury and Atcham BC v Secretary of State for Communities and Local Government* [2008] EWCA Civ 148; [2008] 3 All ER 548 43
- Sim v Stretch* [1936] 2 All ER 1237 792
- Smith and Grady v United Kingdom* (2000) 29 EHRR 493 648
- Smith v Scott* [2007] CSIH 9; 2007 SC 345; 2007 SLT 137 357, 769, 818
- Soering v United Kingdom* (1989) 11 EHRR 439 711

xxxiii Table of Cases

- Somerville v Scottish Ministers* [2007] UKHL 44; [2007] 1 WLR 2734; 2008 SC (HL) 45; 2007 SLT 1113; HL; reversing in part [2006] CSIH 52; 2007 SC 140; 2007 SLT 96 494
- South Bucks DC v Porter* [2003] UKHL 33; [2004] 1 WLR 1953; [2004] 4 All ER 775 669, 670
- South Hetton Coal Co. v North Eastern News Association Ltd* [1894] 1 QB 133 792
- Spackman v Plumstead Board of Works* (1885) L.R. 10 App Cas 229 654
- Starrs v Ruxton* 2000 JC 208; 2000 SLT 42 422
- Stec v United Kingdom* (2006) 43 EHRR 47 (GC) 719
- Steel v United Kingdom* (1998) 28 EHRR 603 807
- Stockdale v Hansard* (1839) 9 A & E1 164
- Sugar v British Broadcasting Corporation* [2012] UKSC 4 562, 564
- Sunday Times v United Kingdom* (1979–80) 2 EHRR 245 235, 236, 473, 716, 729, 745
- SW v United Kingdom* (1996) 21 EHRR 363 234
- T and V v United Kingdom* [2000] 2 AllER 1024 (Note); (2000) 30 EHRR 121 284
- Taylor v Brighton Borough Council* [1947] KB 736; [1947] 1 All ER 864 627
- Taylor v Chief Constable of Thames Valley Police* [2004] EWCA Civ 858; [2004] 1 WLR 3155; [2004] 3 All ER 503 218
- Taylor v New Zealand Poultry Board* [1984] 1 NZLR 394 245
- Theodore v Duncan* [1919] AC 696 626
- Thoburn v Sunderland City Council (Metric Martyrs)* [2002] EWHC 195 (Admin); [2003] QB 151; [2002] 3 WLR 247; [2002] 4 All E.R. 156 8, 14, 16, 26, 183–187, 201, 202, 204, 282
- Thomas v Sawkins* [1936] 1 KB 249 801
- Tomašić v Croatia* [2012] MHLR 167 729
- Town Investments Ltd v Department of the Environment* [1978] AC 359; [1977] 2 WLR 450; [1977] 1 All ER 813 320, 324
- Triquet v Bath* (1764) 97 ER 936 62, 76
- Tyrer v United Kingdom* (1979–80) 2 EHRR 1 724, 727, 728
- UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill* [2018] UKSC 64; [2019] 2 WLR 1 66, 245, 251, 491, 492, 589
- United Policyholders Group v Attorney General of Trinidad and Tobago* [2016] UKPC 17; [2016] 1 WLR 3383 678
- Vauxhall Estates Ltd v Liverpool Corp* [1932] 1 KB 733 160
- Vereinigung Demokratischer Soldaten Österreichs and Gubi v Austria* (1994) 20 EHRR 56 796
- VgT Verein gegen Tierfabriken v Switzerland* (2001) 34 EHRR 159 798
- Vo v France* (2005) 40 EHRR 259 713
- Waddington v Miah* [1974] 1 WLR 683; [1974] 2 All ER 377 232
- Watkins v Secretary of State for the Home Department* [2006] UKHL 17; [2006] 2 AC 395; [2006] 2 WLR 807; [2006] 2 All ER 353 30, 182
- Watkins v Woolas* [2010] EWHC 2702 (QB) 360
- Whaley v Lord Advocate* [2007] UKHL 53; 2008 SC (HL) 107; 2007 SLT 1209; 2008 SCLR 128 599

xxxiv Table of Cases

- Whaley v Lord Watson* 2000 SC 340; 2000 SLT 475 164, 488–489
- Wheeler v Leicester City Council* [1985] AC 1054; [1985] 3 WLR 335; [1985] 2 All ER 1106 636, 744, 788
- White and Collins v Minister of Health* [1939] 2 KB 838; [1939] 3 All ER 548 627
- Wilson v First County Trust Ltd (No.2)* [2003] UKHL 40; [2004] 1 AC 816 180
- Wiseman v Borneman* [1971] AC 297; [1969] 3 WLR 706; [1969] 3 All ER 275 670
- Wood v Commissioner of Police of the Metropolis* [2009] EWCA Civ 414; [2010] 1 WLR 123; [2009] 4 All ER 951 229
- X Ltd v Morgan Grampian* [1991] 1 AC 1; [1990] 2 WLR 1000; [1990] 2 All ER 1
- X, Re* [2017] NIFam 12 251
- YL v Birmingham City Council* [2007] UKHL 27; [2008] 1 AC 95; [2007] 3 WLR 112; [2007] 3 All ER 957 774
- YL v Birmingham City Council and Southern Cross* [2007] UKHL 27; [2007] 3 WLR 112 (House of Lords) 603–604, 614
- Youssef v Secretary of State for Foreign and Commonwealth Affairs* [2016] AC 1457; [2016] UKSC 3 652, 682
- Z v United Kingdom* [2001] 2 FLR 612; (2002) 34 EHRR 3 733

Table of UK Legislation

- Access to Justice Act 1999 238
- Acquisition of Land (Assessment of Compensation) Act 1919 160
- Act of Settlement 1701 18, 50, 151, 152, 187, 274, 324, 414, 419
- Act of Union 1706 (Scotland) 29, 184, 187
- Act of Union 1800 (Ireland) 29, 88, 187, 439, 440
- Agricultural Marketing Act 1931 639
- Agricultural Marketing Act 1958 639
- Agriculture Act 2020 35, 109
- Alcohol (Minimum Pricing) (Scotland) Act 2012 471
- Animal Health Act 1981 225
- Anti-terrorism, Crime and Security Act 2001 482, 522, 767–768, 810
- Appellate Jurisdiction Act 1876 18, 156, 272, 274, 417
- Appellate Jurisdiction Act 1887 389
- Assembly Members (Reduction of Numbers) Act (Northern Ireland) 2016 463
- Baths and Washhouses Acts 1846 and 1847 627
- Bill of Rights 1689 18, 27, 28, 38, 40, 122, 138, 151, 152, 165, 176, 184, 186, 220, 221, 274, 317, 369, 791, 796
- Art. 1 27
- Art. 2 27
- Art. 3 38
- Art. 4 27, 38, 369
- Art. 6 38
- Art. 9 165, 186, 220, 221, 524, 791
- Art. 11 27
- Bishopric of Manchester Act 1847? 389
- Bishoprics Act 1878 389
- Boundary Commissions Act 1992 384
- British Nationality Act 1981 671
- Broadcasting Act 1990 4, 796
- Broadcasting Act 1996 4

xxxvi | Table of UK Legislation

Chequers Estate Act 1917	46, 328
Children and Young People (Scotland) Act 2014	494
Children's Commissioner for Wales Act 2001	457
Cities and Local Government Devolution Act 2016	508, 510
Civil Partnership Act 2004	4
Claim of Rights Act 1689 (Scotland)	187
Colonial Laws Validity Act 1865	187
Communications Act 2003	4, 192, 797
s. 319(2)(g)	797
s. 321	798
s. 321(2)	797
s. 321(2)(g)	798
s. 321(3)(g)	798
s. 321(7)	797
Communications Act 2005	758
Companies Act 2006	600
Constitutional Reform Act 2005	19, 26, 158, 187, 251, 261, 271–274, 283, 331, 388, 392–393, 412, 416, 422–430.
Pt 4	429
Pt III	261, 273
s. 1	251
s. 2(1)	423
s. 3(1)	274, 283, 331, 424
s. 3(5)	423
s. 3(6)	424
s. 4	423
s. 7	423
s. 7(2)	423
s. 17	423
s. 18	393, 423
s. 23(2)	425
s. 23(6)	425
s. 24(a)	425
ss 25–31	428
s. 33	274
s. 40	425
s. 40(4)(b)	426
s. 63	429
s. 64	429
s. 137	426
s. 146	158
Sch. 6	423
Sch. 9	426
Sch. 18	158

xxxvii Table of UK Legislation

- Constitutional Reform and Governance Act 2010 26, 41, 59, 67, 68–69, 84, 346, 348–49, 562, 575, 816
 Pt 1 41
 Pt 2 41, 68, 69
 Pt I 816
 s. 5(5) 349
 s. 7(2) 350
 s. 8(5) 350
 s. 15 348
 s. 20(1) 67
 s. 20(4) 67
 s. 20(8) 67
 Sch. 7 562
- Consumer Protection Act 1987 4, 109
- Contempt of Court Act 1981 174, 745, 791, 792
 s. 10 791
- Coronavirus Act 2020 34, 37, 592
 s. 52 34
 s. 92 37
- Corporation Tax (Northern Ireland) Act 2015 469
- Counter-Terrorism Act 2008 671
- Courts Act 2003 222
- Crime and Courts Act 2013 428, 595, 812
 s. 22 595
 s. 57(2) 812
 Sch. 13 Pt 4 428
- Criminal Justice Act 1988 82
 s. 134 82
- Criminal Justice and Courts Act 2015 424, 582, 589, 594, 595, 615, 620
 s. 84 615
 s. 88(3) 595
- Criminal Justice and Public Order Act 1984 4, 804
- Criminal Law Act 1967 78, 810
 s. 3 78, 810
- Criminal Procedure (Scotland) Act 1995 494
- Crown of Ireland Act 1542 438
- Crown Proceedings Act 1947 271, 321
 s. 1 321
 s. 2 321
 s. 21 321
- Damages (Asbestos-related Conditions) (Scotland) Act 2009 489
- Dangerous Dogs Act 1991 30, 154
- Defamation Act 1996 174, 392, 418
- Defence Act 1842 40

xxxviii Table of UK Legislation

- Defence of the Realm Act 1914 32, 62, 810
 Defence of the Realm Act 1915 62
 Defence of the Realm Consolidation Act 1914 33
 Deregulation and Contracting Out Act 1994 345
 Diplomatic Privileges Act 1964 220
 Disability Discrimination Act 1995 29
 Duties in American Colonies Act 1765 748
 Electoral Registration and Administration Act 2013 384
 Employment Protection (Consolidation) Act 1978 610
 Employment Rights Act 1996 346
 Equal Pay Act 1970 195
 Equality Act 2010 29, 33, 617, 721
 European Communities Act 1972 30, 91, 100, 103, 104, 107–109, 112, 176, 183, 184, 187,
 194, 198, 201–205, 206, 207, 652
 s. 2(1) 91, 194, 202, 205
 s. 2(2) 104
 s. 2(4) 194–196
 s. 3 752
 s. 3(1) 92
 European Parliamentary Elections Act 1999 167, 397
 European Union Act 2011 92, 202, 204, 207
 European Union (Amendment) Act 2008 100
 European Union (Notification of Withdrawal) Act 2017 30, 56, 103, 108, 203
 s. 1(2) 203
 European Union Referendum Act 2015 104, 156
 European Union (Withdrawal) Act 2018 109, 155, 187, 202, 205–206, 207, 402, 472, 492,
 753
 s. 1 109, 205
 s. 1A 112
 s. 1B 112
 s. 2 205
 s. 3 205
 s. 4 205
 s. 5(1) 206
 s. 5(2) 206
 s. 5(4) 205
 s. 5A 112
 s. 6 112, 206, 753
 s. 6(4) 206
 s. 7A 112
 s. 8 205–206
 Sch. 9 9
 European Union (Withdrawal) Act 2019 207, 326, 368, 369
 European Union (Withdrawal) (No.2) Act 2019 207, 326, 368, 367

xxxix Table of UK Legislation

- European Union (Withdrawal Agreement) Act 2020 68, 187, 205, 206, 207, 523
 s. 1 207
 s. 2 207
 s. 32 68
 s. 38 207
- Financial Services and Markets Act 2000 542, 605
- Fisheries Act 2020 109
- Fixed-Term Parliaments Act 2011 39, 50, 55, 174, 296, 328, 329, 355, 357, 358, 359, 368,
 385, 386, 407
 s. 1 50, 328
 s. 1(3) 358
 s. 2 328, 329
 s. 2(1) 358
 s. 2(2) 358
 s. 3 358
- Food and Environment Protection Act 1985 482
- Foreign Compensation Act 1950 179, 243
- Freedom of Information (Scotland) Act 2002 562, 565, 569
 s. 30 565
 s. 52 569
- Freedom of Information Act 2000 4, 28, 139, 183, 190, 244, 307, 330, 524, 556–577, 669,
 774, 791
 Pt IV 567
 Pt V 567
 s. 1 563
 s. 1(1) 563
 s. 1(1)(a) 563
 s. 1(6) 563
 s. 2 564
 s. 2(2)(b) 564
 s. 3 774
 s. 5 562
 s. 11(1) 563
 s. 12(1) 563
 s. 14(1) 564
 s. 14(2) 564
 s. 17 567
 s. 18 563, 567
 s. 19 562
 s. 19(1)(c) 563
 s. 20 562
 s. 21 567
 s. 22 564
 s. 23 567

xi Table of UK Legislation

s. 24	564
s. 26	565
s. 27	565
s. 29	565
s. 31	565
s. 32	567, 572
s. 34	524, 567
s. 35	564, 566, 571
s. 36	565
s. 37	564
s. 41	567
s. 44	567
s. 45	567
s. 47	524, 568
s. 49	568
s. 51	568
s. 52	568
s. 53	53, 54, 183, 190, 244, 569, 570, 572
s. 53(2)	569
s. 53(3)	569
s. 53(6)	569
s. 54(3)	568
s. 55	568
s. 57	568
s. 58(1)(a)	568
s. 58(1)(b)	568
s. 58(2)	568
s. 59	568
Sch. 1	563, 774
Sch. 3	568
Gender Recognition Act 2004	767
Government of Ireland Act 1914	167
Government of Ireland Act 1920	441
Government of Wales Act 1998	4, 184, 454, 455–457, 507
s. 2(1)	455
s. 22(1)	456
s. 80(1)	456
Sch. 2	456
Government of Wales Act 2006	4, 184, 454, 455–457, 507
Pt 2	458
Pts 3–4	430
s. 45(1)	458
ss 93–102	459
ss 103–16	459

xli Table of UK Legislation

- s. 112 486
- s. 154 487
- Sch. 5 458
- Sch. 7 459
- Sch. 7A 460
- Greater London Authority Act 1999 4, 506
- Greater London Authority Act 2007 507
- Habeas Corpus Act 1640 809
- Habeas Corpus Act 1679 744, 809
- Health (Wales) Act 2003 457
- Health and Social Care Act 2008 774
- Herring Fishery (Scotland) Act 1889 176
- Higher Education Act 2004 376, 503, 504, 587
- Highways Act 1980 811
- House of Commons Disqualification Act 1975 3, 50, 274, 330, 342, 355
 - s. 1 274, 355
 - s. 1(1)(b) 342
 - s. 4 50
 - Sch. 1 274, 355
- House of Lords (Expulsion and Suspension) Act 2015 393, 394
 - s. 1(1) 394
- House of Lords Act 1999 356, 388, 391, 393, 394, 402, 404, 502
 - s. 3 356
- House of Lords Reform Act 2014 393
 - s. 1(1) 393
 - s. 2(1) 393
 - s. 3(1) 393
 - s. 4(5) 393
- Housing Act 1925 627
- Housing Act 1936 627
- Housing Act 1988 627
- Housing Act 1996 542
- Housing Grants, Construction and Regeneration Act 1996 605
- Human Rights Act 1998 4, 19, 27, 28, 32, 70, 129, 132, 136, 139, 176, 177, 179, 182, 184, 187, 190–193, 210, 228, 248, 249, 250, 268, 275, 281, 282, 418–421, 477, 478, 493, 552, 584, 598, 603, 625, 660, 707, 718, 742–784, 788, 789, 792–794, 798, 815, 818, 820, 821
 - s. 1 747, 751, 760
 - s. 1(1) 190, 268, 794
 - s. 2 747, 751, 752, 755, 756, 760, 765, 782
 - s. 2(1) 752, 753, 754
 - s. 3 193, 757, 760, 761–765, 767, 779, 782, 794, 806
 - s. 3(1) 190, 192, 193, 268, 572, 761, 764, 765, 766, 769, 772
 - s. 4 757, 760, 766, 768, 769, 772, 794, 806

xlii Table of UK Legislation

s. 4(2)	177, 281, 766, 772
s. 4(4)	191
s. 4(6)	177, 191, 281, 765, 766, 768
s. 4(6)(a)	766
s. 6	190, 282, 757, 760, 771, 772–774, 775, 777, 778, 794
s. 6(1)	759, 771, 772
s. 6(2)	772
s. 6(2)(a)	771
s. 6(3)	774
s. 6(3)(a)	759, 774
s. 6(3)(b)	774
s. 6(5)	774
s. 6(6)	774
s. 7	776
s. 7(1)(a)	777
s. 7(1)(b)	777
s. 7(3)	776
s. 7(5)(a)	777
s. 7(7)	776
s. 8(2)	775
s. 8(3)	775
s. 10	191, 265, 757, 770
s. 10(1)(a)	770
s. 10(1)(b)	770
s. 10(2)	770
s. 11	761
s. 12	747, 756, 757, 794
s. 12(3)	756
s. 13	747, 756–757
s. 19	192, 758
s. 19(1)	758
s. 19(1)(a)	758
s. 19(1)(b)	192, 758, 798
s. 21	713
s. 21(1)(f)	760
s. 22(3)	777
Hunting Act 2004	31, 32, 167, 168, 169, 170, 173, 403, 502
Immigration Act 1971	52, 600
Immigration and Asylum Act 1999	334
Income Tax Act 2007	452
International Criminal Court Act 2001	79
International Development (Official Development Assistance Target) Act 2015	48
Interpretation Act 1978	330
Investigatory Powers Act 2016	731

xliii Table of UK Legislation

Ireland Act 1949	30
Irish Church Act 1869	159
Irish Free State (Agreement) Act 1922	29
Irish Free State (Constitution) Act 1922	29–30
Jobseekers (Back to Work Schemes) Act 2013	232
Larceny Act 1916	174
Legal Aid and Advice Act 1949	237
Legal Aid, Sentencing and Punishment of Offenders Act 2012	238
Legislative and Regulatory Reform Act 2006	36–37
s. 1(2)	36
s. 3(2)	36
s. 18	37
Life Peerages Act 1958	390, 394
Limitation Act 1980	611
s. 2	611
s. 5	611
Local Democracy, Economic Development and Construction Act 2009	510
Local Government Act 1972	636
Local Government Act 1974	542
Local Government Act 2000	4, 508
Local Government and Public Involvement in Health Act 2007	542
Local Government Finance Act 1992	47
Localism Act 2011	509
Magistrates' Courts Act 1980	810
Magna Carta 1215	18, 26, 27, 33, 186, 214, 274
Clause 39	27, 214
Marine and Coastal Access Act 2009	482
Marriage (Same Sex Couples) Act 2013	4
Matrimonial Causes Act 1973	4, 766
Mental Health Act 1983	645, 654
Merchant Shipping Act 1894	196
Merchant Shipping Act 1988	196–198, 588
s. 14(1)	196
s. 14(7)	196
Military Service Acts 1916–1918	67
Ministerial and other Salaries Act 1975	34, 35, 46, 280, 330
s. 1B(1)	35
Misuse of Drugs Act 1971	763
National Health Service Reorganisation Act 1973	542
Northern Ireland (Emergency Provisions) Act 1978	793
Northern Ireland (Executive Formation and Exercise of Functions) Act 2018	470
Northern Ireland (Executive Formation etc) Act 2019	466, 470
Northern Ireland (St Andrews Agreement) Act 2006	468
Northern Ireland Act 1998	4, 28, 161, 441, 461–470, 479, 493, 645

xliv Table of UK Legislation

s. 1	161, 441
s. 1(2)	479
s. 4(5)	464
s. 6	683
s. 11	486
s. 18(2)	466
s. 18(5)	466
s. 22(1)	466
s. 23(2)	466
s. 24	483
s. 32(3)	470
s. 33	463
s. 34	463
s. 42(1)	464
s. 63(3)	464
s. 81	683
s. 83	487
s. 16A(5)	465
s. 16A(6)	465
s. 16B(2)	466
Sch. 2	467
Sch. 3	467
Northern Ireland Constitution Act 1973	468
Official Secrets Act 1911	557, 792
s. 2	792
s. 2(1)	557
Official Secrets Act 1989	557, 792
Overseas Development and Co-operation Act 1980	629
Parliament Act 1911	19, 31, 50, 55, 165, 166, 167–173, 208, 357, 370, 373, 338, 395, 396, 397–399, 401–404
s. 1	55, 166, 167
s. 1(1)	167
s. 1(2)	166, 396
s. 2	166
s. 2(1)	167, 168, 169–171, 173, 373, 396, 401
s. 4	167
s. 7	50, 166, 357
Parliament Act 1949	19, 31, 165, 166, 167, 168–171, 173, 373, 396, 410
s. 1	396
s. 2(1)	373
Parliament Acts	28, 30, 31
Parliamentary Commissioner Act 1967	538, 539, 540, 544–546
s. 1(2)	539
s. 1(3)	539

xlv Table of UK Legislation

s. 2	539
s. 5(1)	543
s. 5(1)(a)	544, 545
s. 5(1)(b)	545
s. 5(2)	540, 544
s. 6(1)	544
s. 7(1)	546
s. 7(2)	546
s. 7(4)	547
s. 8(1)	546
s. 8(2)	546
s. 9	546
s. 10(1)	547
s. 10(2)	547
s. 10(3)	549
s. 12(3)	544
Sch. 2	543
Sch. 3	544
Parliamentary Constituencies Act 1986	384
Parliamentary Standards Act 2009	575
Parliamentary Voting System and Constituencies Act 2011	156, 342, 383–384, 398
s. 1(3)	383
s. 1(7)	383
s. 1(8)	383
s. 8	156
s. 10	384
s. 11	384
Petition of Right 1628	186, 317
Police Act 1964	38
Police and Criminal Evidence Act 1984	4, 801, 810
s. 17(6)	801
s. 24	810
Police Reform and Social Responsibility Act 2011	510, 805
Pt III	805
s. 142	805
s. 143(2)	805
Political Parties, Elections and Referendums Act 2000	359
Prevention of Terrorism Act 2005	736
Prison Act 1952	181
Protection of Freedoms Act 2012	567
Protection of Wild Mammals (Scotland) Act 2002	489, 502, 599
Public Bodies Act 2011	345, 508
Public Interest Disclosure Act 1998	791
Public Order Act 1936	811

xlvi Table of UK Legislation

Public Order Act 1986	792, 803–804, 811
Pt II	803
Pt III	792
s. 1	803
s. 2	803
s. 3	803
s. 4	803
s. 4A	803
s. 5	803, 811
s. 11	703
s. 11(1)	703
s. 11(3)	703
s. 11(4)	703
s. 11(7)	703
s. 12	703
s. 12(1)	703
s. 12(4)	804
s. 13	804
s. 14	803
s. 14(1)	804
s. 14(4)	804
s. 14A	804
s. 14A(1)	804
s. 14A(4)	804
s. 14A(9)	804
s. 14B	804
s. 14C	804
s. 16	803, 804
Public Processions (Northern Ireland) Act 1998	645
Public Services Ombudsman (Wales) Act 2005	457, 542
Race Relations Act 1965	177
Race Relations Act 1976	29, 636
s. 17	636
Recall of MPs Act 2015	371
Referendums (Scotland and Wales) Act 1997	446
Reform Act 1832	355, 356, 590
Reform Act 1867	590
Reform Act 1884	590
Regional Assemblies (Preparations) Act 2003	507
Regional Development Agencies Act 1998	507
Regulation of Investigatory Powers Act 2000	243, 245, 730–731
Rent Act 1977	763, 779
Representation of the People Act 1832	27, 184
Representation of the People Act 1867	184

xlvii Table of UK Legislation

Representation of the People Act 1884	184, 356
Representation of the People Act 1918	27, 184, 356
Representation of the People Act 1928	19, 150, 184, 356
Representation of the People Act 1969	19, 150, 184, 356
Representation of the People Act 1983	8, 30, 184, 356, 357, 360, 493, 769, 818
Pt III	360
s. 1	356
s. 3	769
s. 3A	356
s. 3(1)	818
s. 123	360
Road Traffic Act 1988	4
Scotland Act 1978	156
Scotland Act 1998	4, 28, 56, 154, 161, 182, 184, 384, 446, 447, 448, 449, 451, 452, 453, 479, 480, 483, 485–488, 493–494, 496, 499, 501, 502, 507, 511, 599
s. 1(2)	446
s. 1(3)	447
s. 2(2)	446
s. 23(1)	453
s. 28(7)	154, 479, 480, 496, 502
s. 28(8)	483
s. 29	480, 499
s. 29(2)	493
s. 30	496, 448
s. 30(2)	449
s. 33(1)	486
s. 35(1)	486
s. 45(2)	453
s. 46(3)	453
s. 46(4)	453
s. 47(2)	453
s. 47(3)(e)	453
s. 53(1)	453
s. 53(2)	453
s. 56	453
s. 57	453
s. 57(2)	453, 493
s. 63A	498
s. 73	451
s. 86	384, 511
s. 101	486, 487
s. 101(2)	486
s. 102(2)(b)	494
s. 80C	452

xlviii Table of UK Legislation

Sch. 5	496, 499
Sch. 6	485
Sch. 6.1(f)	485
Sch. 6.10	485
Sch. 6.22	485
Scotland Act 2012	446, 450, 452, 453, 471, 474
s. 10	450
ss 16–22	453
s. 35	494
s. 36	494
Scotland Act 2016	56, 57, 155, 446, 450, 451, 453, 460, 474, 481, 483, 485, 493, 497, 498
s. 1	159, 498
s. 2	56, 57, 155, 449, 450, 481
ss 3–10	450
s. 16	453
s. 17	453
s. 18	453
ss 22–35	451
s. 40	451
s. 50	450
s. 53	450
s. 57	453
Scottish Elections (Franchise and Representation) Act 2020	493
Scottish Elections (Reduction of Voting Age) Act 2015	356, 450
Scottish Independence Referendum (Franchise) Act 2013	497
Scottish Independence Referendum Act 2013	497
Scottish Parliament (Constituencies) Act 2004	446
Scottish Public Services Ombudsman Act 2002	542
Senior Courts Act 1981	274, 419, 604, 611, 612, 615, 616, 618, 619
s. 11(3)	274
s. 130	180, 264
s. 31	611, 615
s. 31(1)(a)	616
s. 31(1)(b)	618
s. 31(2B)	616
s. 31(3)	604
s. 31(4)	619
s. 31(6)	612
s. 31(6)(a)	612
s. 31(6)(b)	612
Septennial Act 1715	357
Serious Organised Crime and Police Act 2005	336, 804
Sex Discrimination Act 1975	29, 72
Sexual Offences (Amendment) Act 1976	233

xlix Table of UK Legislation

Sexual Offences (Amendment) Act 1992	234
Sexual Offences (Amendment) Act 2000	167, 403
Sexual Offences Act 2003	769
State Immunity Act 1978	82, 83
Statute of Proclamations 1539	36
Statute of Wales Act 1284	29
Statutory Instruments Act 1946	35, 265
Succession of the Crown Act 2013	324
Suicide Act 1961	769, 770
Taxes Management Act 1970	224, 225, 230
Terrorism (Temporary Provisions) Act 1984	793
Terrorism Act 2000	705, 810, 816
Terrorism Act 2006	792
Terrorist Asset-Freezing etc Act 2010	34
Theft Act 1968	221
Trading with the Enemy Act 1914	62
Transport (London) Act 1969	133, 629
Transport (Wales) Act 2006	457
Tribunals and Inquiries Act 1992	668
Sch. 1	668
s. 10	668
Tribunals, Courts and Enforcement Act 2007	183
Union with Ireland Act 1800	18, 159
United Nations Act 1946	30, 33, 34
Wales Act 2014	458, 460
s. 4(1)	456
ss 8–14	460
s. 15	460
s. 18	460
Wales Act 2017	155, 460, 481, 485, 486, 498
s. 1	498
s. 2	481
ss 5–8	460
s. 17	460
War Crimes Act 1991	167, 397
War Damages Act 1965	165, 232
Welfare Reform Act 2012	399, 482
Welsh Church Act 1914	167
Youth Justice and Criminal Evidence Act 1999	762

Table of UK Statutory Instruments

Civil Legal Aid (Remuneration) (Amendment) Regulations 2015 (SI 2015/898)	595
Civil Procedure Rules 2000 (SI 2000/2092)	595, 596–598, 611, 613, 614, 617, 619
rule 54	595
rule 54.1(2)(a)	597
rule 54.1(2)(a)(i)	598
rule 54.2	616
rule 54.3(1)	618
rule 54.3(2)	619
rule 54.4	596
rule 54.5(1)	611
rule 54.5(1)(a)	613
rule 54.5(5)	612
rule 54.5(6)	612
rule 54.12	596
rule 54.19(2)	617
rule 54.20	614
Civil Service (Amendment) Order in Council 1995	348
art 3(3)	348
Commissioner for Complaints (Amendment) (Northern Ireland) Order (SI 1997/1758)	542
Commissioner for Complaints (Northern Ireland) Order (SI 1996/1297)	542
Defence of the Realm (Consolidation) Regulations 1914	33
reg 14B	33
Detention of Terrorists (Northern Ireland) Order 1972	334
Employment Equality (Sexual Orientation) Regulations (SI 2003/1661)	33
Equality Act (Sexual Orientation) Regulations (SI 2007/1263)	33
European Communities (Recognition of Professional Qualifications) Regulations (SI 2007/2781)	101
Gambling (Geographical Distribution of Casino Premises Licences) Order 2007 (Draft)	400
Greater London Authority Elections (Expenses) Order (SI 2000/789)	400

li Table of UK Statutory Instruments

Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020.	534
Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.	534
Higher Education (Higher Amount) Regulations (SI 2010/3020)	616, 617
Ministerial and Other Salaries Act 1975 (Amendment) Order 2011 (SI 2011/1689)	35
National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order (SI 2009/1758)	459
art 2	459
Northern Ireland Act 1998 (Amendment of Schedule 3) Order (SI 2010/977)	469
Ombudsman (Northern Ireland) Order (SI 1996/1298)	542
Scotland Act 1998 (Modification of Schedule 5) Order 2013 (SI 2013/242)	496
Sexual Offences Act 2003 (Remedial) Order (SI 2012/1883)	769
South Georgia and South Sandwich Islands Order (SI 1985/449)	323
Supreme Court Fees (Amendment) Order (SI 1996/3191)	237
art 3	237
Terrorism (United Nations Measures) Order (SI 2001/3365)	33
Terrorism Act 2000 (Remedial) Order (SI 2011/631)	87

Table of European Instruments

EUROPEAN UNION

- 1951 Treaty Establishing the European Coal and Steel Community (Treaty of Paris) 87
 Preamble 87
- 1951 Treaty of Paris 90
- 1957 Treaty Establishing the European Community (EC Treaty) see (Treaty of Rome)
- 1957 Treaty of Rome 88, 90, 195, 197
 Art. 119 195
 Art. 177 197
- 1965 European Social Charter (1965) 529 UNTS 89 707
- 1986 Single European Act 88, 90, 94
- 1992 Treaty of the European Union (TEU) (Maastricht) 66, 87, 92
 Art. 5.2 87
- 1997 Treaty of Amsterdam 88
- 2001 Treaty of Nice 88
- 2007 Treaty of Lisbon; Treaty on European Union (TEU) 19, 88, 119, 92–99, 100–108, 110,
 119, 203, 369
 Art. 1 93, 104
 Art. 2 93
 Art. 4(3) 101
 Art. 13 93
 Art. 14(1) 96
 Art. 14(2) 96
 Art. 15(1) 94
 Art. 15(5) 94
 Art. 15(6) 94
 Art. 16(1) 95
 Art. 16(4) 96
 Art. 16(8) 95
 Art. 17(1) 97
 Art. 17(2) 97

liii Table of European Instruments

- Art. 17(7) 94, 98
 Art. 19(1) 98
 Art. 50 19, 100–108, 110, 119, 203, 369
 Art. 50(2) 108
 2009 Treaty of Lisbon; Treaty on the Functioning of the European Union (TFEU)
 Art. 226 96
 Art. 234 96, 234
 Art. 236 95
 Art. 253 99
 Art. 254 99
 Art. 258 98
 Art. 259 98
 Art. 263 96, 99
 Art. 265 99
 Art. 267 99
 Art. 288 100
 Art. 289 97
 Art. 314 96
 Protocol 2 97
 2013 Treaty on Stability, Coordination and Governance in the Economic and Monetary Union 99
Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (30 January 2020) 111, 112
 Art. 4 112
 Art. 158 112
 Art. 174 112
 Protocol on Ireland/Northern Ireland, Art. 12 112
Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community of the other part (1 May 2021). 113, 114
 Article 763 114
 Article 764 114
 Article 765 114

EUROPEAN CONVENTION ON HUMAN RIGHTS

- 1949 Treaty of London (Statute of the Council of Europe) 61
 European Convention on Human Rights 1950 32, 61–63, 70, 73, 74, 80, 228, 232,
 234–236, 238, 239, 275, 278, 323, 342, 454, 478, 489, 491, 493, 494, 523, 603, 648,
 652, 653, 666, 681–685, 690, 694, 699–739, 742, 746, 747, 749–756, 757–758, 760,
 762, 764, 765, 769, 771, 775–784, 789–799, 799–803, 805, 807, 808–819
 Art. 1 705, 707, 709
 Arts 2–12 751
 Art. 2 712–714, 733, 734, 736, 776, 813

liv Table of European Instruments

Art. 2(2)	714
Art. 3	136, 710–712, 728, 733, 734, 753
Art. 4	710
Art. 5	80, 523, 710, 712, 713, 736–738, 809, 811, 813, 814
Art. 5(1)	814
Art. 5(1)(c)	811
Art. 5(4)	666, 810
Art. 6	238, 239, 494, 653, 660, 710, 715, 754, 762
Art. 6(1)	238, 418–421, 275, 552, 660, 778
Art. 7	234, 712
Art. 7(1)	232
Art. 8	32, 228, 494, 603, 648, 704, 715, 718, 720, 726, 727, 730–732, 734, 735, 760, 762, 769, 777
Art. 9	715, 720, 753, 756
Art. 10	236, 342, 572, 715–721, 756, 758, 760, 789–799, 805, 807
Art. 10(2)	236, 342
Art. 11	32, 799–803, 807, 808, 812, 815
Art. 12	715
Art. 13	751, 752
Art. 14	721, 722, 738, 756, 763
Art. 15	709, 724, 727, 736, 729, 737, 767
Art. 21	705
Art. 23	705
Art. 27	704
Art. 28	704
Art. 29	704
Art. 33	702
Art. 34	703, 776
Art. 35	703
Art. 43	704
Art. 46	705, 706, 781
Art. 56	700
Protocol 1	323, 489, 491, 715
Art. 2	722, 723, 751
Protocol 1	
Art. 3	723, 731, 751, 814, 817, 818
Protocol 4	812
Art. 2	812
Protocol 6	713
Protocol 11	699, 701, 702
Protocol	
Art. 1	722
Protocol 13	713

iv Table of European Instruments

Art. 1	713
Protocol 14	699, 702, 704, 705, 706, 741
Protocol 15	
Art. 4	702
2012 Brighton Declaration (19 April 2012)	740, 741

Table of Overseas and International Instruments

Access to Information Act 1982 (Canada)	558
Access to Official Information Act 1978 (Netherlands)	558
Australian Freedom of Information Act 1982	558
Belfast Good Friday Agreement (10 April 1998)	110, 441, 461–463, 479, 783
Canadian Charter of Rights and Freedoms 1982	13, 162, 191, 748, 750
s. 33	748
Charter of the United Nations (26 June 1945) 1 UNTS XVI	80
Art. 25	80
Art. 103	80
Constitution of Austria	10
Art. 8(a)	10
Constitution of Croatia 1990	58
Constitution of Germany (Grundgesetz or Basic Law)	10, 14, 15, 17, 64
Art. 22	10
Art. 25	64
Arts. 38–53	11
Art. 59	64
Arts. 62–69	11
Art. 79	15, 16
Arts. 92–104	11
Constitution of India 1950	698
Constitution of Japan Art. 9	10
Constitution of Lebanon	10
Art. 1	10
Art. 2	10
Constitution of the Kingdom of Thailand	10
s. 79	10
Constitution of the Netherlands	64
Arts. 93–94	64

lvii Table of Overseas and International Instruments

- Constitution of The Republic of South Africa 1996 7, 10, 14, 216
 Preamble 10
- Constitution of the United States of America 1787 6, 7, 8, 11, 13, 15, 17, 24, 54, 58, 258,
 259
- First Amendment 10, 13, 795
- Fifth Amendment 13
- Sixth Amendment 13
- Art. I 10, 11, 256
- Arts. I–III 16
- 14th Amendment 259
- Art. I s. 7 258
- Art. II 10, 11, 256
- Art. II s. 1 cl. 2 54
- Art. II s. 2 258
- 26th Amendment 15
- 27th Amendment 15
- Art. III 11, 256
- Art. V 259
- Egyptian Provisional Constitution 2011 58
- European Convention on Human Rights Act 2003 (Ireland) 751
- Finland Publicity of Documents Act 1951 558
- French Declaration of the Rights of Man and of the Citizen 1789 688
- Human Rights Act 2004 (Australian Capital Territory) 751
- International Convention against Torture and other Cruel, Inhuman or Degrading
 Treatment or Punishment 1984 82
- International Covenant on Economic, Social and Cultural Rights, 16 December 1966
 993 UNTS 3 689, 707
- Ireland Freedom of Information Act 1997 558
- New Zealand Official Information Act 1983 558
- New Zealand Bill of Rights Act 1990 13, 749
- OECD Convention on Combating Bribery of Foreign Public Officials in International
 Business Transactions (17 December 1997) 37 ILM 1 71
- Statute of the International Court of Justice 75
- Art. 38.1(b) 75
- Treaty of London 1839 Art. VII 61
- United States Bill of Rights 1792 148, 688, 689
- Universal Declaration on Human Rights (UDHR) UN General Assembly Resolution 217
 A (III), UN Doc. A/810 (10 December 1948) 689, 690, 699, 700
- US Freedom of Information Act 1966 558
- Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 75, 220
- Vienna Convention on the Law of Treaties (1969) 1155 UNTS 331 65, 69
- Art. 2(1)(a) 65

Cambridge University Press & Assessment
978-1-009-15848-0 — Constitutional and Administrative Law
Roger Masterman , Colin Murray
Frontmatter
[More Information](#)
