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978-1-107-02551-6 - A Theory of Deference in Administrative Law: Basis, Application and Scope

Paul Daly

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## A THEORY OF DEFERENCE IN ADMINISTRATIVE LAW

In the modern administrative state, hundreds if not thousands of officials wield powers that can be used to the benefit or detriment of individuals and corporations. When the exercise of these powers is challenged, a great deal can be at stake. Courts are confronted with difficult questions about how to apply the general principles of administrative law in different contexts.

Based on a comparative theoretical analysis of the allocation of authority between the organs of government, *A Theory of Deference in Administrative Law* provides courts with a methodology to apply no matter how complex the subject matter. The firm theoretical foundation of deference is fully exposed and a comprehensive doctrine of curial deference is developed for application by courts in judicial review of administrative action. A wide scope is urged, spanning the whole spectrum of government regulation, thereby ensuring wide access to public law remedies.

PAUL DALY is Assistant Professor of Law, Université de Montréal. He has taught property law, administrative law, statutory interpretation and legal history at the University of Ottawa, Canada, tutored in constitutional law at University College Cork and supervised constitutional and administrative law at the University of Cambridge.

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