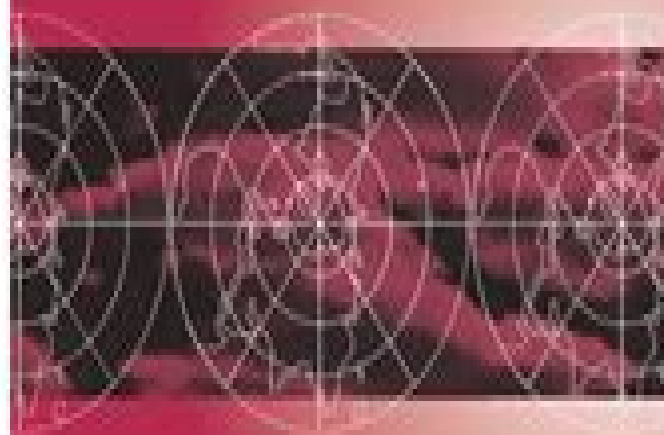




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The Right to Property in Commonwealth Constitutions



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Parliament, the Constitution, and Property in the United Kingdom Tom Allen, 2025-01-02 This book considers whether Parliament recognises a constitutional right to property Parliament is supreme in theory there is nothing to stop it from passing laws to confiscate property Nevertheless MPs often argue that a proposed law would be unconstitutional What does this mean in a system without a written constitution What counts as a sound argument about constitutional rights And what influence do constitutional arguments have on the legislative process The book takes a close look at these questions It reviews legislation and debates from the Middle Ages through to more recent legislation and covers a wide range of topics such as land reform nationalisation taxation regulatory laws and retrospection It also looks at the most recent debates and considers the relevance of constitutional thinking to election manifestos of the main political parties **The Canadian Constitution in Transition** Richard Albert, Paul Daly, Vanessa MacDonnell, 2019-03-14 The year 2017 marked the 150th anniversary of Confederation and the 1867 Constitution Act Anniversaries like these are often seized upon as opportunities for retrospection This volume by contrast takes a distinctively forward looking approach Featuring essays from both emerging and established scholars The Canadian Constitution in Transition reflects on the ideas that will shape the development of Canadian constitutional law in the decades to come Moving beyond the frameworks that previous generations used to organize constitutional thinking the scholars in this volume highlight new and innovative approaches to perennial problems and seek new insights on where constitutional law is heading Featuring fresh scholarship from contributors who will lead the constitutional conversation in the years ahead and who represent the gender ethnic linguistic and demographic make up of contemporary Canada The Canadian Constitution in Transition enriches our understanding of the Constitution of Canada and uses various methodological approaches to chart the course toward the bicentennial **Canadian Constitution in Transition** Richard Albert, Paul Daly, Vanessa A. MacDonnell, 2019-01-01 The year 2017 marked the 150th anniversary of Confederation and the 1867 Constitution Act Anniversaries like these are often seized upon as opportunities for retrospection This volume by contrast takes a distinctively forward looking approach Featuring essays from both

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Property and Human Rights in a Global Context Ting Xu, Jean Allain, 2016-03-24 Property as a human rights concern is manifested through its incorporation in international instruments and as a subject of the law through property related cases considered by international human rights organs Yet for the most part the relationship between property and human rights has been discussed in rather superficial terms lacking a clear substantive connection or common language That said the currents of globalisation have witnessed a new era of interrelation between these two areas of the law including the emergence of international intellectual property law and the recognition of indigenous claims which in fundamental ways speak to an engagement with human rights law This collection starts the conversation between human rights lawyers and property lawyers and explores analytical approaches to the increasing relationship between property and human rights in a global context The chapters engage with key theoretical and policy debates and range across three main themes The re evaluation of the public private divide in the law the tensions between the market and social justice in development and the balance between the rights of individuals and those of communities The chapters adopt a global comparative perspective and engage in case studies from countries including India Philippines Brazil the United States the United Kingdom and includes various regions of Africa and Europe

The Oxford Handbook of the Indian Constitution Sujit Choudhry, Madhav Khosla, Pratap Bhanu Mehta, 2016 As the first major post colonial constitution the Indian Constitution holds particular importance for the study of constitutional law and constitutions Providing a thorough historical and political grounding this Handbook examines key debates and developments in Indian constitutionalism and creates a framework for further study

The Invisible Constitution in Comparative Perspective Rosalind Dixon, Adrienne Stone, 2018-11-08 Constitutions worldwide inevitably have invisible features they have silences and lacunae unwritten or conventional underpinnings and social and political dimensions not apparent to certain observers This contributed volume will help its wide audience including scholars students and practitioners understand the dimensions to contemporary constitutions and their role in the interpretation legitimacy and stability of different constitutional systems

A New Constitution for Australia Bede Harris, 2013-03-04 First published in 2002 Routledge is an imprint of Taylor Francis an informa company

Property Rights and Social Justice Rachael Walsh, 2021-06-10 Analyses the mediation of property rights and social justice through the prism of progressive constitutional

property rights guarantees **Property and The Human Rights Act 1998** Tom Allen,2005-10-01 By giving further effect to the European Convention on Human Rights the Human Rights Act 1998 has had a significant effect on property law Article 1 of the First Protocol to the Convention is particularly important as it protects against the interference with the enjoyment of possessions Compulsory acquisition insolvency planning taxation environmental regulation and landlord and tenant laws are just some of the fields where the British and European courts have already had to assess the impact of the Protocol on private property The Human Rights Act 1998 also restricts the scope of property rights as some Convention rights conflict with rights of private property For example the Article 8 right to respect for the home has been used to protect against environmental harm in some cases at the expense of property and economic rights This book seeks to provide a structured approach to the extensive case law of the European Court of Human Rights and the UK courts on these issues and to provide guidance on the direction the law is likely to take in future Chapters cover the history and drafting of the relevant Convention rights the scope and structure of the rights especially Article 1 of the First Protocol and how through the Human Rights Act 1998 the Convention rights have already affected and are likely to affect developments in selected areas of English law

Re-conceiving Property Rights in the New Millennium Ben Chigara,2013-03-01 This book constitutes volume two of a two volume examination of development community land issues in Southern Africa Following from volume one Southern African Development Community Land Issues this book considers the possibility of a new sustainable land relations policy for Southern African Development Community States SADC that are currently mired up in land disputes that have become subject of domestic regional and international tribunals Chigara demonstrates that land relations in the SADC have always been and will perhaps remain a matter for constitutional regulation Because constitutional laws are distinctive from other laws only by constitutional design legal contests appear to be the least likely means for settlement in the sub region Only human rights inspired policies that respond to the call for social justice by acknowledging both the current and the underlying contexts to the disputes hold the most potential to resolve these disputes The book recommends efficient pedagogical counter apartheid rule psychological distortions regarding the significance of human dignity PECAPDISH as a pre requisite and corollary to the dismantling of the salient physical legacy of apartheid rule in affected SADC States The book shows that PECAPDISH s potential and benefits would be enormous The book will be of interest to students and researchers of Property and Conveyancing Law Human Rights Law and Land Law *The Global Debate Over Constitutional Property* Gregory S. Alexander,2011-07-29 Countries around the world are heatedly debating whether property should be a constitutional right But American lawyers have largely ignored this debate which is divided into two clear camps those who believe making property a constitutional right undermines democracy by fostering inequality and those who believe it provides the security nec **Modern Studies in Property Law** University of Reading. Centre for Property Law. Conference,2001 Constitutional Property Law Andries Johannes Van der Walt,2005 Successor to the 1997 publication

The constitutional property clause a comparative analysis of section 25 of the South African Constitution of 1996 *The Oxford Handbook of the Australian Constitution* Cheryl Saunders, Adrienne Stone, 2018-03-01 Constitutional law provides the legal framework for the Australian political and legal systems and thus touches almost every aspect of Australian life The Handbook offers a critical analysis of some of the most significant aspects of Australian constitutional arrangements setting them against the historical legal political and social contexts in which Australia's constitutional system has developed It takes care to highlight the distinctive features of the Australian constitutional system by placing the Australian system where possible in global perspective The chapters of the Handbook are arranged in seven thematically grouped parts The first Foundations deals with aspects of Australian history which have influenced constitutional arrangements The second Constitutional Domain addresses the interaction between the constitution and other relevant legal systems and orders including the common law international law and state constitutions The third Themes identifies themes of special constitutional significance including the legitimacy of the constitution citizenship and republicanism The fourth Practice and Process deals with practical issues relevant to constitutional litigation including the processes techniques and authority of the High Court of Australia The final three parts deal with the structural building blocks of the Australian Constitutional system Separation of Powers Federalism and the Protection of Rights Written by a team of experts drawn from academia and practice the Handbook provides Australian and international readers alike with a reliable source of knowledge understanding and insight into the Australian Constitution *The Oxford Handbook of Caribbean Constitutions* Richard Albert, Derek O'Brien, Se-shauna Wheatle, 2020-07-23 The Oxford Handbook of Caribbean Constitutions offers a detailed and analytical view of the constitutions of the Caribbean region examining the constitutional development of its diverse countries The Handbook explains the features of the region's constitutions and examines themes emerging from the Caribbean's experience with constitutional interpretation and reform Beginning with a Foreword from the former President of the Caribbean Court of Justice and an Introduction by the lead editor Richard Albert the remainder of the book is divided into four parts Part I Caribbean Constitutions in the World highlights what is distinctive about the constitutions of the Caribbean Part II covers the constitutions of the Caribbean in detail offering a rich analysis of the constitutional history design controversies and future challenges in each country or group of countries Each chapter in this section addresses topics such as the impact of key historical and political events on the constitutional landscape for the jurisdiction a systematic account of the interaction between the legislature and the executive the civil service the electoral system and the independence of the judiciary Part III addresses fundamental rights debates and developments in the region including the death penalty and socio economic rights Finally Part IV features critical reflections on the challenges and prospects for the region including the work of the Caribbean Court of Justice and the future of constitutional reform This is the first book of its kind bringing together in a single volume a comprehensive review of the constitutional development of the entire Caribbean region from the Bahamas

in the north to Guyana and Suriname in South America and all the islands in between While written in English the book embraces the linguistic and cultural diversity of the region and covers the Anglophone Caribbean as well as the Spanish French and Dutch speaking Caribbean countries Modern Studies in Property Law - Volume 1 Elizabeth Cooke,2001-03-12 This book comprises a collection of papers given at the third biennial conference of the Centre for Property Law at the University of Reading held in March 2000 and is the first in the series Modern Studies in Property Law The Reading conference is becoming well known as a unique opportunity for property lawyers to meet and confer both formally and informally this volume marks a new development being a refereed and revised selection of the papers given there Speakers from around the world focus on issues of immediate importance ranging from human rights to electronic conveyancing as well as timeless but ever relevant subjects such as trusts mortgages and the numerous clauses of property rights As ever a range of international topics are discussed this time including land registration in the Nordic countries and the re privatisation of land in Eastern Europe Procedural Requirements for Administrative Limits to Property Rights Martina Conticelli,Thomas Perroud,2022-09-01 Through a comparative survey spanning twelve legal systems and a transnational regime the fourth volume in this series aims to shed light on the core of administrative activity that exemplifies the negative State Within the vast field of adjudication the book addresses one of the most traditional sets of procedures namely the exercise of public powers affecting property rights Following the method adopted in the CoCEAL project this volume takes the fundamentals of expropriation in a given legal order as its starting point and examines various cases The main requirements for property rights deprivations and restrictions are presented through national reports and discussed through hypotheticals while the comparative analysis focuses on procedural propriety and fairness This book is divided into three parts The first part introduces the project and the topic The second part covers the legal systems chosen for this study The third goes on to present a synchronic comparison across systems highlighting the relationship between shared and distinctive traits with a view to the way supranational and international rules increasingly supplement municipal regimes The concluding chapter discusses the current regime on public regulation of property in contemporary administrative systems

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