



Regulating Public Utilities

A Legal and
Constitutional Approach

Cosmo Graham

B L O O M S B U R Y

Regulating Public Utilities A Legal And Constitutional Approach

Michael Moran



Regulating Public Utilities A Legal And Constitutional Approach:

Regulating Public Utilities Cosmo Graham, 2000-03-27 This book examines the implications for public law of the regulation of privatised utilities asking how these institutions fit into our constitutional understandings regarding accountability individual rights and territorial government It argues that new approaches are needed if constitutional and regulatory principles are to accommodate one another This is of particular interest in the context of recent constitutional reforms and the growing influence of European integration After describing the institutions their powers and duties particular attention is paid to the position of consumers the role of the European Community territorial government and the place of individual rights The book concludes by looking at price control the coming of competitive markets for utility services and the future of the regulatory system in the light of convergence multi utilities and the government s planned reforms

Legal Frameworks for Transparency in Water Utilities Regulation Mohamad Mova Al'Afghani, 2016-08-12 Transparency in the regulation of water utilities is essential in order to ensure quality and fairness This book explores and compares different regulatory arrangements in the water utilities sectors in three jurisdictions to determine which regulatory and ownership model is most transparent and why The three jurisdictions considered are England UK Victoria Australia and Jakarta Indonesia Following an introduction to the importance of transparency in water utilities regulation the book provides an overview of the three chosen jurisdictions and their legal and institutional frameworks Through a comparison of these the author explores the contested and difficult terrain of privatization as often opposed to public ownership in which it is shown that the relationships between transparency and ownership models are not as clear cut as might be assumed Chapters consider various aspects and outcomes of the regulatory process and the role of transparency including topics such as regulators internal governance mechanisms utilities corporate governance licensing and information flow freedom of information and transparency in tariffs and pricing as well as customer service The book concludes with a summary of lessons learned to inform the refinement of transparency in utilities regulation

Media Regulation, Public Interest and the Law Mike Feintuck, 2006-07-10 Regulation of the media has traditionally been premised upon claims of the public interest yet the term itself remains contested and generally ill defined In the context of technological development and convergence as well as corporate conglomeration traditional public service values in British broadcasting are challenged by market values With such ongoing trends continuing apace regulators must increasingly justify their interventions The communication industries commercialisation and privatisation pose a fundamental threat to democratic values Media Regulation Public Interest and the Law argues that regulators will only successfully protect such values if claims associated with citizenship are recognised as the rationale and objective for the regulatory endeavour While such themes are central to the book this second edition has been substantially revised and updated to take account of matters such as European Directives the UK s Communications Act 2003 the process of reviewing the BBC s Charter and relevant aspects of the reform

of general competition law Key Features Identifies and examines the rationales underlying media regulation and the current challenges to them Considers fully the actual and potential utility of legal mechanisms and principles in the design and activities of regulatory institutions Fully updated to take account of the European Union's 2002 New Regulatory Framework and the UK's Communications Act 2003 Accessible to a wide readership in media studies journalism broadcasting and law Praise for the First Edition A detailed and critical assessment of the problems and confusions of recent media regulation in the UK including digital television franchising and the Broadcasting Complaints Commission it is well organised and should be a useful resource for more advanced students and academics for updating the public regulation case with vigour and clarity this book is to be welcomed THES

The Oxford Handbook of Regulation Robert Baldwin, Martin Cave, Martin Lodge, 2012-07-19 Regulation is often thought of as an activity that restricts behaviour and prevents the occurrence of certain undesirable activities but the influence of regulation can also be enabling or facilitative as when a market could potentially be chaotic if uncontrolled This Handbook provides a clear and authoritative discussion of the major trends and issues in regulation over the last thirty years together with an outline of prospective developments It brings together contributions from leading scholars from a range of disciplines and countries Each chapter offers a broad overview of key current issues and provides an analysis of different perspectives on those issues Experiences in different jurisdictions and insights from various disciplines are drawn upon and particular attention is paid to the challenges that are encountered when specific approaches are applied in practice Contributors develop their own distinctive arguments relating to the central issues in regulation and apply scholarly rigour and clear writing to matters of high policy relevance The essays are original accessible and agenda setting and the Handbook will be essential reading both to students and researchers and to with regulatory and regulated professionals

Autonomous Public Bodies and the Law Stéphanie De Somer, 2017-05-26 This insightful book discusses the impact of EU law on the creation and empowerment of autonomous public bodies APBs at Member State level and analyzes recent attempts of European states to rationalize delegation to APBs It examines the tensions between these trends under what conditions can APBs be considered legitimate forms of government in the light of modern conceptions of constitutionalism the rule of law and democracy values that are deeply rooted in European constitutions And to what extent do EU obligations on the independence of national regulators data protection authorities and the like conflict with those conceptions

Telecommunications Law and Regulation Ian Walden, 2012-09-13 Since the last edition of the book was published there have been a number of important developments in the telecommunications industry Telecommunications Law and Regulation takes these changes into account including an examination of the EU New Regulatory Framework as well as the establishment of the Body of European Regulators for Electronic Communications BEREC There are also new chapters on spectrum management radio frequencies and consumer protection rules The access and interconnection chapter addresses the issues surrounding the high capacity broadband widely provided by Next

Generation Networks The chapter on licensing and authorisation has been refocused to reflect the increasing regulatory focus on the mobile sector The chapter on regulating content has also been significantly restructured and revised to reflect the changes in how we consume content Written by leading experts it is essential reading for legal practitioners and academics involved in the telecommunications industry

Public Law in a Multi-Layered Constitution Nicholas Bamforth, Peter Leyland, 2003-10-30 How is the distribution of power between the different levels of the contemporary constitution to be policed What is the emerging contribution of the courts in regard to EC law the Human Rights Act 1998 and devolution What roles should be played by the legislative and judicial bodies at each level Who should have access to the courts in public law disputes and on what grounds should the courts regulate the exercise of public power Can a coherent distinction be maintained between public and private law These essays by leading public law scholars explore the allocation and regulation of public power in the United Kingdom At the beginning of the twenty first century it appears that the traditional Diceyan model of a unitary constitution has been superseded as power has come to be distributed particularly in the post 1997 period between institutions at European national devolved and local level Furthermore the courts have come to play a powerful role at all levels through judicial review while forms of regulation and contracting together with other informal techniques of governance have emerged The contemporary constitution can be characterised as involving a multi layered distribution of power a situation which raises many key questions about the role of public law The essays in this important collection tackle such questions from a variety of perspectives aiming between them to provide a dynamic picture of the role of public law in the contemporary multi layered constitution

The Oxford Handbook of Comparative Administrative Law Peter Cane, Herwig Hofmann, Eric C. Ip, Eric Chi Yeung Ip, Peter L. Lindseth, 2021 In this Handbook distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective The book covers the historical beginnings of comparative administrative law scholarship and discusses important methodological issues and basic concepts such as administrative power and accountability

The British Regulatory State Michael Moran, 2003-08-14 For the first two thirds of the twentieth century British government was among the most stable in the advanced industrial world In the last three decades the governing arrangements have been in turmoil and the country has been a pioneer in economic reform and in public sector change In this book Michael Moran examines and explains the contrast between these two epochs What turned Britain into a laboratory of political innovation Britain became a formal democracy at the start of the twentieth century but the practice of government remained oligarchic From the 1970s this oligarchy collapsed under the pressure of economic crisis The British regulatory state is being constructed in its place Moran challenges the prevailing view that this new state is liberal or decentralizing Instead he argues that it is a new threatening kind of interventionist state which is colonizing dominating and centralizing hitherto independent domains of civil society The book is essential reading for all those interested in British political development and in the nature and impact of regulation

Textbook on Administrative Law Peter. Leyland, Gordon Anthony, 2016 The eighth edition of Textbook on Administrative Law provides a concise and topical account of this fast moving area of law This edition remains as accessible as ever fully exploring the core areas of the subject and setting them in a contextual framework In addition to widespread recognition as an invaluable core text for LLB and GDL students Textbook on Administrative Law is a stimulating introduction for postgraduates and for non law undergraduates with an interest in the field Key coverage Fully updated and revised to reflect changes in the administrative state post 2015 election Comprehensive analysis of developments in judicial review with reference to the main decisions including Evans HS2 Sandiford Pham and Keyu m Analysis of the main developments in human rights jurisprudence Reference to developments in EU law and their impact on domestic administrative law Revised discussion of ombudsmen and tribunals as non judicial remedies Book jacket *The Oxford Handbook of Public Policy* Michael Moran, Martin Rein, Robert E. Goodin, 2008-06-13 The Oxford Handbooks of Political Science is a ten volume set of reference books offering authoritative and engaging critical overviews of the state of political science Each volume focuses on a particular part of the discipline with volumes on Public Policy Political Theory Political Economy Contextual Political Analysis Comparative Politics International Relations Law and Politics Political Behavior Political Institutions and Political Methodology The project as a whole is under the General Editorship of Robert E Goodin with each volume being edited by a distinguished international group of specialists in their respective fields The books set out not just to report on the discipline but to shape it The series will be an indispensable point of reference for anyone working in political science and adjacent disciplines Public policy is the business end of political science It is where theory meets practice in the pursuit of the public good Political scientists approach public policy in myriad ways Some approach the policy process descriptively asking how the need for public intervention comes to be perceived a policy response formulated enacted implemented and all too often subverted perverted altered or abandoned Others approach public policy more prescriptively offering politically informed suggestions for how normatively valued goals can and should be pursued either through particular policies or through alternative processes for making policy Some offer their advice from the Olympian heights of detached academic observers others as engaged scholars cum advocates while still others seek to instil more reflective attitudes among policy practitioners themselves toward their own practices The Oxford Handbook of Public Policy mines all these traditions using an innovative structure that responds to the very latest scholarship Its chapters touch upon institutional and historical sources and analytical methods how policy is made how it is evaluated and how it is constrained In these ways the Handbook shows how the combined wisdom of political science as a whole can be brought to bear on political attempts to improve the human condition

English Public Law David Feldman, 2009 First published in 2004 English Public Law has become the key point of reference on English public law for lawyers in the UK and throughout the world Now in its second edition the book acts as an accessible first point of reference for practitioners approaching a public law issue for

the first time while simultaneously providing a lucid concise and authoritative overview of all the key areas of public law constitutional administrative human rights and criminal law within one single portable volume The second edition has been completely updated to take account of all key legislative and procedural changes since 2004 including BLThe Constitutional Reform Act 2005 BLrecent higher courts decisions concerning public law and human rights BLthe Criminal Procedure Rules 2005 Written and edited by a team of acknowledged experts on English law the book offers proven reliability and as part of the Oxford Principles of English Law Series is the companion volume to the second edition of English Private Law edited by Professor Andrew Burrows FBA The book is an ideal quick reference for practitioners to fall back on when a client raises a point outside their normal area of expertise as well as for academics overseas libraries and practitioners overseas who want a one stop resource on English public law A supplement published between editions will ensure that the book is kept up to date

Wade & Forsyth's Administrative Law C. F. Forsyth, William Wade, Christopher Forsyth, Julian Ghosh, 2023 Wade Forsyth's Administrative Law is the definitive account of the principles of judicial review and the administrative arrangements of the United Kingdom Firmly established among the foremost rank of legal textbooks it stands unparalleled in both scope and detail

National Regulation and Trade Liberalization in Services Markus Krajewski, 2003-01-01 Like tariffs and other border measures national regulatory barriers impede international trade Unlike tariffs however such barriers usually indicate an important domestic policy choice This conflict of interest has emerged as a crucial issue in international law particularly with regard to services such as telecommunications and health services This study is the first to analyze the potential impact of incompatibilities between national regulatory regimes and the rules and obligations imposed by the General Agreement on Trade in Services GATS In the process of arriving at his challenging concluding theses the author investigates such relevant concepts as the following the political and ideological dynamics of GATS negotiations services trade liberalization in regional integration systems particularly in EC law policies common to diverse national regulatory systems the notions of deregulation and privatization the human rights implications of international trade law the GATS obligations of market access national treatment and most favoured nation treatment the role of the WTO's dispute settlement organs GATS transparency obligations Professor Krajewski's study is of enormous significance to specialists in regulatory policies and instruments at all national and sectoral levels especially in the context of ongoing GATS negotiations As the author warns Unless GATS negotiators and national regulators have a thorough understanding of the relationship between GATS obligations and regulatory policies and instruments they cannot effectively use the flexible elements of GATS and could reach an agreement which they may later regret

Comparative Administrative Law Susan Rose-Ackerman, Peter L. Lindseth, Blake Emerson, 2017-08-25 A comprehensive overview of the field of comparative administrative law that builds on the first edition with many new and revised chapters additional topics and extended geographical coverage This Research Handbook's broad multi method approach combines history and social science with more strictly legal analyses This new

edition demonstrates the growth and dynamism of recent efforts spearheaded by the first edition to stimulate comparative research in administrative law and public law more generally reaching across different countries and scholarly disciplines

From the "Democratic Deficit" to a "Democratic Surplus" Athanasios Psygkas, 2017-10-17 Challenging the conventional narrative that the European Union suffers from a democratic deficit Athanasios Psygkas argues that EU mandates have enhanced the democratic accountability of national regulatory agencies This is because EU law has created entry points for stakeholder participation in the operation of national regulators these avenues for public participation were formerly either not open or not institutionalized to this degree By focusing on how the EU formally adopted procedural mandates to advance the substantive goal of creating an internal market in electronic communications Psygkas demonstrates that EU requirements have had significant implications for the nature of administrative governance in the member states Drawing on theoretical arguments in favor of decentralization traditionally applied to substantive policy making this book provides insight into regulatory processes to show how the decentralized EU structure may transform national regulatory authorities into individual loci of experimentation that might in turn develop innovative results It thus contributes to debates about federalism governance and public policy as well as about deliberative and participatory democracy in the United States and Europe This book informs current understandings of regulatory agency operations and institutional design by drawing on an original dataset of public consultations and interviews with agency officials industry and consumer group representatives in Paris Athens Brussels and London The on the ground original research provides a strong foundation for the directions the case law could take and small and larger scale institutional reforms that balance the goals of democracy accountability and efficiency

Routledge Handbook of Media Law Monroe E. Price, Stefaan Verhulst, Libby Morgan, 2013-01-04 Featuring specially commissioned chapters from experts in the field of media and communications law this book provides an authoritative survey of media law from a comparative perspective The handbook does not simply offer a synopsis of the state of affairs in media law jurisprudence rather it provides a better understanding of the forces that generate media rules norms and standards against the background of major transformations in the way information is mediated as a result of democratization economic development cultural change globalization and technological innovation The book addresses a range of issues including Media Law and Evolving Concepts of Democracy Network neutrality and traffic management Public Service Broadcasting in Europe Interception of Communication and Surveillance in Russia State secrets leaks and the media A variety of rule making institutions are considered including administrative and judicial entities within and outside government but also entities such as associations and corporations that generate binding rules The book assesses the emerging role of supranational economic and political groupings as well as non Western models such as China and India where cultural attitudes toward media freedoms are often very different Monroe E Price is Director of the Center for Global Communication Studies at the Annenberg School for the University of Pennsylvania and Joseph and Sadie Danciger Professor

of Law and Director of the Howard M Squadron Program in Law Media and Society at the Cardozo School of Law Stefaan Verhulst is Chief of Research at the Markle Foundation Previously he was the co founder and co director with Professor Monroe Price of the Programme in Comparative Media Law and Policy PCMLP at Oxford University as well as senior research fellow at the Centre for Socio Legal Studies Libby Morgan is the Associate Director of the Center for Global Communication Studies at the Annenberg School for the University of Pennsylvania

Disability and Information Technology Eliza Varney, 2013-03-11 Disability and Information Technology examines the extent to which regulatory frameworks for information and communication technologies ICTs safeguard the rights of persons with disabilities as citizenship rights It adopts a comparative approach focused on four case studies Canada the European Union the United Kingdom and the United States It focuses on the tension between social and economic values in the regulation of ICTs and calls for a regulatory approach based on a framework of principles that reflects citizenship values The analysis identifies challenges encountered in the jurisdictions examined and points toward the rights based approach advanced by the UN Convention on the Rights of Persons with Disabilities as a benchmark in protecting the rights of persons with disabilities to have equal access to information The research draws on a wealth of resources including legislation cases interviews consultation documents and responses from organisations representing persons with disabilities

The Legitimacy and Responsiveness of Industry Rule-making Karen Lee, 2018-09-06 Rule making is no longer an activity undertaken exclusively by public actors Private actors are increasingly allowed by legislatures and regulatory bodies to take part in and in some cases assume responsibility for the formation of legally binding rules for example in the US UK Australia and the EU Departing from traditional forms of rule making by involving private actors may enhance the ability of regulatory systems to achieve social goals as regulatory scholars argue However because private actors are permitted to act in their own best interests their involvement also raises doubts about the legitimacy of the underlying rule making processes and the rules that are formulated The principal aim of this book is to highlight that the tension between the responsiveness that leading international regulatory scholars advocate in order to improve regulatory effectiveness and the law and its formal substantive procedural and institutional values is not as great as may first appear Drawing on three in depth case studies of the experience of the Australian telecommunications industry with self regulatory rule making a form of rule making that bears the hallmarks of responsive regulation democratic experimentalism smart regulation and other strategies of proceduralization it is argued that industry rule making can as a matter of practice be responsive and legitimate at the same time In doing so the book formulates and applies criteria against which industry rule making should be evaluated and identifies a number of indicia that point to when industry rule making is likely to be simultaneously legitimate and responsive

New Zealand Universities Law Review ,2002

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