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The Right to Property in Commonwealth Constitutions



TOM ALLEN

Right To Property In Commonwealth Constitutions

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The Right to Property in Commonwealth Constitutions Tom Allen, 2000-03-09 Practical theoretical and historical approach to constitutional rights to property in Commonwealth countries

The Right to Property in Commonwealth Constitutions Thomas Allen, 2000

Property and the Constitution Janet McLean, 1999-07-01 In this set of essays public lawyers property lawyers and legal philosophers examine the public dimensions of private property At a time when governments across the globe are privatising formerly public property the public forum is being replaced by the privately owned shopping mall and an increasing range of interests are being described as property an examination of the powers which attach to ownership becomes all the more pressing The contributors consider whether property is a human right its role in making responsible citizens its relationship to freedom of speech and other values the proper scope of constitutional protections of private property impediments to the redistribution of property and attempts to redress historical wrongs by property settlements to indigenous people Taking a richly comparative perspective examples have been drawn from jurisdictions as diverse as the United Kingdom South Africa Germany the United States and New Zealand Contributors Janet McLean ed Kevin Gray Susan Francis Gray Geoffrey Samuel J W Harris Gregory Alexander Andre van der Walt Tom Allen Jeremy Waldron Maurice Goldsmith Alex Frame John Dawson Michael Robertson

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 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

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 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

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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

American Constitutional Law Donald P. Kommers,John E. Finn,Gary J. Jacobsohn,2010 American Constitutional Law Essays Cases and Comparative Notes

is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order. In addition to its distinguished authorship, the book has two prominent features that set it apart from other books in the field: an emphasis on the social, political, and moral theory that provides meaning to constitutional law and interpretation, and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order. While the focus of the book is entirely on American constitutional law, the book asks students to consider what, if anything, is unique in American constitutional life and what we share with other constitutional democracies. Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts. This new edition offers updated and expanded treatment of a number of important and timely topics, including the death penalty, privacy, affirmative action, and school segregation. Volume 2 of this text focuses on civil rights and basic freedoms and includes separate chapters on race and gender.

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.

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.

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

Legislating for Property Rights in Fisheries Christine Stewart, 2004-01-01 This study is a contribution of the FAO Development Law Service to the discussion on rights-based systems in fisheries management from a legal perspective. It outlines the history of the development of rights-based fisheries management, the concepts of property

rights in fisheries and the terms used in property rights regimes the governing legislation in jurisdictions which have introduced property rights in fisheries the interpretation placed by the courts of the jurisdiction on that legislation and the possible options for implementing property based fisheries rights systems in national legislation Includes a section on New Zealand p 24 35

The Routledge Handbook of Property, Law and Society Nicole Graham, Margaret Davies, Lee Godden, 2022-11-14 This handbook brings together diverse perspectives major topics and multiple approaches to one of the biggest legal institutions in society property Property touches on many fundamental human questions It involves decisions about power economy morality work and ecology It also involves ideas about where humans fit in the world and how humans relate to more than human life This book will ask in myriad ways such questions as what property means what kinds of property there are what is and should be the relationship between owned and owner and what is the impact of different forms of property on life in this world Drawing on a range of socio legal and empirical methodologies renowned scholars and rising stars in property from around the world present current issues and map future directions in research Coming from the place of law but reaching out through cognate disciplines this handbook provides a comprehensive and accessible survey of current research at the interface of property society and the environment This handbook will appeal to students and researchers across a range of disciplines including law sociology geography history and economics

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

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 **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 *Comparative Property Law* Michele Graziadei,Lionel Smith,2017-01-27 Comparative Property Law provides a comprehensive treatment of property law from a comparative and global perspective The contributors who are leading experts in their fields cover both classical and new subjects including the transfer of property the public private divide in property law water and forest laws and the property rights of aboriginal peoples This Handbook maps the structure and the dynamics of property law in the contemporary world and will be an invaluable reference for researchers working in all domains of property law

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