

Scotland's Constitution: Law and Practice



Fourth Edition

CMG Himsworth
CM O'Neill

Bloomsbury Professional
Scotland

Scotlands Constitution

W Elliot Bulmer



Scotlands Constitution:

A Model Constitution for Scotland W. Elliot Bulmer, 2013-07-22 A Model Constitution for Scotland sets out a workable model for Scotland's future and includes detailed constitutional proposals and informed discussion on the topic The independence debate has to break out of political elites and address the after independence question Elliot Bulmer's book is an important contribution to this exploring how we make Scotland constitutionally literate and how we shape our politics in a way which reflects who we are and what we aspire to be Bulmer rightly argues that independence has to aspire to more than abolishing reserved powers Holyrood becoming a mini Westminster and nothing else changing A must read for independentistas thoughtful unionists and democrats Gerry Hassan author and broadcaster BACK COVER Scotland is a free sovereign and independent commonwealth Its form of government is a parliamentary democracy based upon the sovereignty of the people social justice solidarity and respect for human rights The constitutional debate in Scotland has until now focused primarily on the relationship between Scotland and the rest of the United Kingdom This treatise goes beyond the sterile arguments of nationalists and unionists to envision a new and more democratic political system constructed in an independent state W Elliot Bulmer A Model Constitution for Scotland sets out a workable model for Scotland's future and includes detailed constitutional proposals and informed discussion on the topic *Scotland's Constitution* Chris Himsworth, Christine M. O'Neill, 2009 Scotland's Constitution Law and Practice is a clear comprehensive account of the Scottish dimension of constitutional law within its UK and European context It describes and analyses constitutional arrangements while integrating that analysis with a general background to constitutional law and the UK institutions which have a continuing relevance for the government of Scotland This highly regarded text considers law making powers for Scotland the legislative process at Westminster and at Holyrood the accountability and scrutiny of government the independence of the judiciary and the role of the courts in interpreting and adjudicating upon constitutional and administrative law questions The second edition has been fully updated throughout and includes a wholly new chapter entitled Citizen and State covering important recent developments in human rights and civil liberties Account is also taken of the work of the Calman Commission the current Scottish government's National Conversation and developments in the House of Lords and the Supreme Court Further new material relating to data protection and freedom of information elections and the reform of the tribunals system has been included This text provides an essential introduction to constitutional law for law students and for others with a general interest in this subject Chris Himsworth is Professor of Administrative Law at the University of Edinburgh and is a Solicitor admitted in Scotland and in England and Wales Christine O'Neill is a Partner at Brodies LLP Contents Constitutions and Constitutional Law Constitutional Law and Constitutional Values The Scottish Constitutional Context The UK and Scottish Parliaments Law Making Competences for Scotland The UK Government and the Scottish Executive Local Authorities and Other Public Bodies Law Making Procedures The Parliamentary Accountability of

Government Public Finance Courts and the Independence of Judiciary Public Law Adjudication I **The Changing Constitution** Jeffrey L. Jowell, Dawn Oliver, 2011-07-14 This collection of essays by leading experts in British constitutional law covers the main areas of recent reform and anticipates further developments These are considered against a background of general principles including constitutionalism parliamentary sovereignty membership of the EU and globalisation

British Government and the Constitution Colin Turpin, Adam Tomkins, 2011-09-01 Like the immensely successful previous edition of this highly respected work this new edition has been jointly prepared and thorough updated by Colin Turpin and Adam Tomkins It takes fully into account constitutional developments under the coalition government and examines the most recent case law of the Supreme Court the European Court of Justice and the European Court of Human Rights While it includes extensive material and commentary on contemporary constitutional practice the book covers the historical traditions and the continuity of the British constitution as well as the current tide of change Designed principally for law students the book includes substantial extracts from parliamentary and other political sources as well as from legislation and case law making it ideal for politics and government students With its fresh design it provides a full yet accessible account of the British constitution at a fascinating moment in its ongoing development **Sceptical**

Perspectives on the Changing Constitution of the United Kingdom Richard Johnson, Yuan Yi Zhu, 2023-04-20 This book examines the far reaching changes made to the constitution in the United Kingdom in recent decades It considers the way these reforms have fragmented power once held centrally through the Crown in Parliament by means of devolution referendums and judicial reform It examines the reshaping of the balance of power between the executive legislature and the way that prerogative powers have been curtailed by statute and judicial ruling It focuses on the Human Rights Act and the creation of the UK Supreme Court which emboldened the judiciary to limit executive action and even to challenge Parliament and argues that many of these symbolised an attempt to shift the political constitution to a legal one Many virtues have been ascribed to these reforms To the extent that criticism exists it is often to argue that these reforms do not go far enough An elected upper chamber regional English parliaments further electoral reform and a codified constitution are common tonics prescribed by commentators from this point of view This volume adopts a different approach It provides a critical evaluation of these far reaching reforms drawing from the expertise of highly respected academics and experienced political figures from both the left and right The book is an invaluable source of academic expertise and practical insights for the interested public students policymakers and journalists who too often are only exposed to the further reform position *Cases & Materials on Constitutional & Administrative Law* Brian Thompson, Michael Gordon, 2017 *Cases Materials on Constitutional Administrative Law* provides students with a comprehensive selection of legal resources to accompany their studies Extracts from leading cases academic works and political documents are drawn together with incisive author commentary and thought provoking questions to highlight the historical debates and ongoing development of the subject The authors take a

critical look at the doctrines of constitutional law and the principles of administrative law showing how the constitution operates in relation to Parliament the Executive and the citizen Online Resource Centre This book is supported by an Online Resource Centre providing a wide range of extra resources to further support students in their studies including Updates in constitutional and administrative law An extensive range of web links An interactive timeline of significant public law events throughout history Oxford News Now a live feed on topical public law issues sourced from news websites such as the BBC and Guardian

A Constitution for the Common Good W Elliot Bulmer, 2024-08-19 If Scotland has voted YES on 18 September how can a written Constitution be good for the people of Scotland If Scotland has voted NO how could a new Constitution protect and enhance Scottish democracy within a restructured UK Whether YES or NO a reconstituted Scotland is possible and good for all its citizens Nearly every democracy in the world is built upon a written constitution and constitutions have been at the core of citizens demands for better governance in places as disparate as Kenya Tunisia and Ukraine With the Scottish National Party promising a written constitution in the event of a YES vote and other parties suggesting other possible options for constitutional change in the event of a NO vote constitutional change looks certain to remain central to the political agenda in Scotland for some time to come But what is a constitution for Is it a defensive charter to protect the basic structures of democratic government or is it a transformative covenant for a better society How can the Constitution sustain democracy and promote ethical politics while at the same time recognising and accommodating differences in society What difference would a good Constitution make to the poor How can the Constitution help ensure that the common good of the citizenry prevails over private vested interests In addressing these questions this book sets out a vision for how Scotland could reconstitute itself It emphasises the connection between the constitution democracy and the common good arguing that democratic self government is the true prize regardless of the relationship of Scotland to the rest of the UK This book not only makes a vital contribution to Scotland s current and on going constitutional debate whatever the outcome in September 2014 but also engages with fundamental questions of constitutionalism and democracy that are of enduring relevance to both citizens and scholars around the world

Constituting Scotland W. Elliot Bulmer, 2016-07-08 Before the independence referendum in 2014 the First Minister of Scotland Alex Salmond promised a written constitution for Scotland in the event of a Yes vote The UK is almost unique in having never adopted a written constitution or other fundamental law Why did this commitment arise in Scotland

Cases and Materials on Constitutional and Administrative Law Brian Thompson, Michael Gordon, Michael J. Gordon, 2014 Filling a need for a case and materials book on constitutional and administrative law this textbook reflects the latest thinking particularly in relation to the European Communities

The Constitution of the United Kingdom Peter Leyland, 2012-01-31 This acclaimed book provides a topical and contextual outline of the principles doctrines and institutions that underpin the United Kingdom constitution The second edition of The Constitution of the United Kingdom has been extensively rewritten to take account of recent constitutional

developments particularly changes made following the 2010 general election The chapters are written in sufficient detail for anyone coming to the subject for the first time to develop a clear and informed view of how the constitution is arranged and how it operates The main themes include discussion of the history sources and conventions of the constitution later chapters deal with constitutional principles the role of the Crown Parliament and the electoral system government and the executive the constitutional role of courts including the protection of human rights the territorial distribution of power between central devolved and local government and the European Union dimension In addition the book offers an analytical discussion of the development of the constitution its strengths and perceived weaknesses and of reforms aimed at its modernisation

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