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UK Public Law and European Law Gordon Anthony, 2002-05-11 This book examines the dynamics of the process whereby UK courts borrow principle and practice from European law

Global Regulatory Standards in Environmental and Health Disputes Caroline E. Foster, 2021-06-24 Global regulatory standards are emerging from the environmental and health jurisprudence of the International Court of Justice the World Trade Organization under the United Nations Convention on the Law of the Sea and investor state dispute settlement Most prominent are the three standards of regulatory coherence due regard for the rights of others and due diligence in the prevention of harm These global regulatory standards are a phenomenon of our times representing a new contribution to the ordering of the relationship between domestic and international law and a revised conception of sovereignty in an increasingly pluralistic global legal era However the legitimacy of the resulting standards enriched international law remains open to question International courts and tribunals should not be the only fora in which these standards are elaborated and many challenges and opportunities lie ahead in the ongoing development of global regulatory standards Debate over whether regulatory coherence should go beyond reasonableness and rationality requirements and require proportionality *stricto sensu* in the relationship between regulatory measures and their objectives is central Due regard the most novel of the emerging standards may help protect international law's legitimacy claims in the interim Meanwhile all actors should attend to the integration rather than the fragmentation of international law and to changes in the status of private actors

Reconstructing Judicial Review Sarah Nason, 2016-12-01 This book offers a new interpretation of judicial review in England and Wales as being concerned with the advancement of justice and good governance as opposed to being concerned primarily with *ultra vires* or common law constitutionalism It is developed both from examining the functions and values that ought to be served by judicial review and from analysis of empirical social facts about judicial review primarily as experienced in the Administrative Court Based on ground up case law analysis it constructs a new taxonomy on the grounds of judicial review mistake procedural impropriety ordinary common law statutory interpretation discretionary impropriety relevant irrelevant considerations breach of an ECHR protected right or equality duty and constitutional allocation of powers constitutional rights or other complex constitutional principles It explains each of these grounds what academic and judicial support there might be for them outside case law analysis and their similarities and differences when viewed against popular existing taxonomies It concludes that Administrative Court judges are engaged in ordinary common law statutory interpretation in approximately half of all cases and that where discretionary judgement is involved on the part of the initial decision maker judges do indeed consider their task to be one of

determining whether the challenged decision was justified by reasoning of adequate quality It finds that judges apply ordinary common law principles of statutory interpretation with historical pedigrees including assessing the initial decision maker's reasoning with reference to statutory purpose and sifting relevant from irrelevant considerations including moral considerations The result is a ground breaking reassessment of the grounds of judicial review in England and Wales and the practice of the Administrative Court

Critical Debates on Counter-Terrorism Judicial Review Fergal F. Davis, Fiona de Londras, 2014-10-02 An examination of the debates regarding whether judicial review is an effective and appropriate way to regulate counter terrorism measures

The Autonomy of Labour Law Alan Bogg, Cathryn Costello, ACL Davies, Jeremias Adams-Prassl, 2015-03-26 To what extent is labour law an autonomous field of study This book is based upon the papers written by a group of leading international scholars on this theme delivered at a conference to mark Professor Mark Freedland's retirement from his teaching fellowship in Oxford The chapters explore the boundaries and connections between labour law and other legal disciplines such as company law competition law contract law and public law labour law and legal methodologies such as reflexive governance and comparative law and labour law and other disciplines such as ethics economics and political philosophy In so doing it represents a cross section of the most sophisticated current work at the cutting edge of labour law theory

Human Rights in the UK and the Influence of Foreign Jurisprudence Hélène Tyrrell, 2018-09-20 Longlisted for the 2022 Inner Temple Main Book Prize Human Rights in the UK and the Influence of Foreign Jurisprudence represents the first major empirical study of the use of foreign jurisprudence at the UK Supreme Court This book focuses on the patterns of use and non use of rulings from foreign domestic courts in human rights cases before the UK Supreme Court Results are drawn from quantitative and qualitative research presenting data from the first eight years of Supreme Court activity The evidence includes interviews with active and former members of the senior judiciary as well as a focus group including some of the Supreme Court Judicial Assistants It is argued that foreign jurisprudence is more intimately woven into the fabric of judicial reasoning and serves a wider range of functions than the term persuasive authority might imply Foreign jurisprudence is used mainly as a heuristic device providing judges with a fresh analytical lens Foreign jurisprudence is also important when interpreting a common legislative scheme supporting dialogue between the Supreme Court and supranational courts such as the European Court of Human Rights The perspectives offered by foreign jurisprudence can also support a stronger conception of domestic human rights In these ways this book addresses a broader political question about the source of human rights in the UK

New Directions in Private Law Theory Fabiana Bettini, Martin Fischer, Charles Mitchell, Prince Saprai, 2023-10-16 New Directions in Private Law Theory brings together some of the best new work on private law theory reflecting the breadth of this increasingly important field The contributions interrogate a wide range of topics including aspects of private law doctrine its development ordering and application The authors adopt a variety of different approaches and contribute to ongoing and important debates about

the moral foundations of private law the individuation of areas of private law and the connections between private law and everyday moral experience Questions addressed include Does the diversity identified amongst claims in unjust enrichment mean that the category is incoherent Are claims in tort law always about compensating for wrongs How should we understand parties agreement in contract The contributions shed new light on these and other topics and the ways in which they intersect and open up new lines of scholarly enquiry The book will be of interest to researchers working in private law and legal theory but it will also appeal to those outside of law most notably researchers with an interest in moral and political philosophy economics and history

Part I: The Business of Judging ;The Judge as Juror: The Judicial Determination of Factual Issues ;The Judge as Lawmaker: An English Perspective ;The Discretion of the Judge ;Part II: Judges in Society ;Judicial Independence ;Judicial Ethics ;Part III: The Wider World ;`There is a World Elsewhere': The Changing Perspectives of English Law ;Law in a Pluralist Society ;Speech on the Jubilee of the Supreme Court of India ;Part IV: Human Rights ;The European Convention on Human Rights: Time to Incorporate ;Opinion: Should there be a Law to Protect Rights of Personal Privacy? ;The Way We Live Now: Human Rights in the New Millennium ;Tort and Human Rights ;Part V: Public Law ;Should Public Law Remedies be Discretionary? ;The Old Despotism ;Mr Perلزweig, Mr Liversidge, and Lord Atkin ;Part VI: The Constitution ;The Courts and the Constitution ;Anglo-American Reflections ;Part VII: The English Criminal Trial ;The English Criminal Trial: The Credits and the Debits ;Justice and Injustice ;Silence is Golden - or is it? ;A Criminal Code: Must We Wait for Ever? ;Part VIII: Crime and Punishment ;The Sentence of the Court ;Justice for the Young ;The Mandatory Life Sentence for Murder ;Speech on the Second Reading of the Crime (Sentences) Bill ;Part IX: Miscellaneous ;Address to the Centenary Conference of the Bar ;Who Then in Law is my Neighbour? ;The Future of the Common Law ;Lecture at Toynbee Hall on the Centenary of its Legal Advice Centre ;Address at the Service of Thanksgiving for Rt Hon Lord Denning OM

The late Tom Bingham, Thomas Henry Bingham, 2011 Collecting the most important writings of Tom Bingham during his time in judicial office before the House of Lords The Business of Judging is written for anyone with an interest in public affairs It offers an absorbing account of the law and the courts in public life presenting Bingham s reflections on the judicial role and the common law

The 'Legal Pluriverse' Surrounding Multinational Military Operations Robin Geiß, Heike Krieger, 2019-12-19 The Legal Pluriverse Surrounding Multinational Military Operations conceptualizes and examines the Pluriverse the multiplicity of rules that apply to and regulate contemporary multinational missions and the array of actors involved These operations are further complicated by changes to the classification of the conflict and the asymmetry of obligations on participants Structured into five parts this work seeks through the diversity of its authorship to set out the web of legal regimes applicable to military operations including forces from more than one state It maps out the ways in which different regimes interact beginning with the laws of armed conflict

and their relation to international humanitarian and human rights norms and extending through to areas like law of the sea and environmental law A variety of contributors systematically compile and take stock of the various legal regimes that make up the pluriverse assessing how these rules interact exposing norm conflicts areas of legal uncertainty or protective loopholes In this way they identify and evaluate approaches to better streamline the different applicable legal frameworks with a view to enhancing cooperation and thereby ensuring the long term success of multinational military operations

The Business of Judging Tom Bingham,2011-09-08 Tom Bingham 1933 2010 was the greatest judge of our time The Guardian a towering figure in modern British public life who championed the rule of law and human rights inside and outside the courtroom The Business of Judging collects Bingham s most important writings during his period in judicial office before the House of Lords The papers collected here offer Bingham s views on a wide range of issues ranging from the ethics of judging to the role of law in a diverse society They include his reflections on the main contours of English public and criminal law and his early work on the incorporation of the European Convention on Human Rights and reforming the constitution Written in the accessible style that made The Rule of Law 2010 a popular success the book will be essential reading for all those working in law and an engaging inroad to understanding the role of the law and courts in public life for the general reader

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 Amicus Curiae in International Criminal Justice Sarah Williams,Hannah Woolaver,Emma Palmer,2020-02-06 The amicus curiae or friend of the court is the main mechanism for actors other than the parties including civil society actors and states to participate directly in proceedings in international criminal tribunals Yet reliance on this mechanism raises a number of significant questions concerning the functions performed by amici which actors seek to intervene and why and the influence of amicus interventions on judicial outcomes Ultimately the amicus curiae may have a significant impact on the fairness representativeness and legitimacy of the tribunals proceedings and decisions This book provides a comprehensive examination of the amicus curiae practice of the International Criminal Court and other major international criminal tribunals and offers suggestions for the role of the amicus curiae In doing so the authors develop a framework to augment the potential contributions of amicus participation in respect of the legitimacy of international criminal tribunals and their decisions while minimising interference with the core judicial competence of the tribunal and the right of the accused to a fair and expeditious trial

The Politics of Judicial Co-operation in the EU Hans-W.

Micklitz,2005-07 Three case studies look into judicial co operation between Member States and the ECJ

Better Law for a Better World Liz Curran,2021-04-19 How as a society can we find ways of ensuring the people who are the most

vulnerable or have little voice can avail themselves of the protection in law to improve their social cultural health and economic outcomes as befits civilised society Better Law for a Better World answers this question by looking at innovative practices and developments emerging within law practice and education and shares the skills and techniques that could lead to confidence in the law and its ability to respond Using recent research from Australia practice initiatives and information the book breaks down ways for law students legal educators and law practitioners including judicial officers law administrators legislators and policy makers to enhance access to justice and improve outcomes through new approaches to lawyering These can include Multi Disciplinary Practice including health justice partnerships integrated justice practice restorative practice empowerment modes community client centred approaches and collaborative interdisciplinary practice informed by practical experience The book contains critical information on what such practice might look like and the elements that will be required in the development of the essential skills and criteria for such practice It seeks to open up a dialogue about how we can make the law better This includes making the community more central to the operation of the law and improving client centred practice so that the Rule of Law can deliver on its claims to serve protect and ensure equality before the law It explores practical ways that emerging lawyers can be trained differently to ensure improved communication collaboration problem solving partnership and interpersonal skills The book explores the challenges of such work It also gives suggestions on how to reduce professional barriers and variations in practice to effectively humanely and efficiently make a difference in people s lives The book builds essential skills and new approaches to lawyering for law students legal educators new lawyers and seasoned lawyers judicial members and law administrators to equip them to better respond to community need It looks at the law in context by also exploring the role of the law in improving the social determinants of health and socially just outcomes *Introduction to the Law of Israel* Amos Shapira,Keren C. DeWitt-Arar,1995-08-22

Introduction to the Law Series Volume 1 This book introduces the main features of the Israeli legal culture in its historical perspective it identifies the basic legal sources institutions and processes and provides adequate information about the principal branches of the law The book offers an authoritative summary but coherent compact yet systematic account of the major customs of the law of Israel It is addressed to legal practitioners government officials administrators businessmen students researchers and scholars interested in an informative orientation and a reliable overview of Israeli law and legal institutions *Fenwick on Civil Liberties & Human Rights* Helen Fenwick,Richard Edwards,2016-11-25 More than merely describing the evolution of human rights and civil liberties law this classic textbook provides students with detailed and thought provoking coverage of the most crucial developments in the field clearly explaining the law in context and practice Updated throughout for this new edition *Fenwick on Civil Liberties and Human Rights* considers a number of recent major changes in the law in particular proposals to replace the Human Rights Act with a British Bill of Rights and the Counter Terrorism and Security Act 2015 whilst also contextualising the impact of reforms on hate speech and contempt due to

advances in new media Comprehensive and authoritative this textbook offers an essential resource for students on human rights or civil liberties courses as well as a useful reference for students and scholars of UK Public Law The Separation of Powers in the Contemporary Constitution Roger Masterman, 2010-12-02 In this 2010 book Roger Masterman examines the dividing lines between the powers of the judicial branch of government and those of the executive and legislative branches in the light of two of the most significant constitutional reforms of recent years the Human Rights Act 1998 and Constitutional Reform Act 2005 Both statutes have implications for the separation of powers within the United Kingdom constitution The Human Rights Act brings the judges into much closer proximity with the decisions of political actors than previously permitted by the Wednesbury standard of review and the doctrine of parliamentary sovereignty while the Constitutional Reform Act marks the emergence of an institutionally independent judicial branch Taken together the two legislative schemes form the backbone of a more comprehensive system of constitutional checks and balances policed by a judicial branch underpinned by the legitimacy of institutional independence *La Proportionnalité dans le droit de la convention européenne des droits de l'homme* Sébastien Van Drooghenbroeck, 2001 La première vertu de la proportionnalité serait sa simplicité son intimité avec le bon sens commun Sous son regard un Droit aveugle adjugeant par syllogisme des règles générales et rigides La proportionnalité propose au contraire un droit fortement contextualisé moins instituant et ordonnateur de la réalité qu'institué et ordonné par la réalité **Rendre Et Gérer la Justice Au 21^e Siècle** Marco Fabri, P. M. Langbroek, 2000 Comprend 21 papiers groupés sous cinq headings Management and efficiency versus judicial values Policy development in the justice systems Changing positions of courts in society Governance and change of courts and public prosecutors offices and Courts public prosecutors offices and ICT

Whispering the Strategies of Language: An Psychological Quest through **New Directions In Judicial Review Current Legal Problems Current Legal Problems**

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