Administrative Court In Wales Judiciary

The Judge, the Judiciary and the Court is aimed at anyone interested in the Australian judiciary today. It examines the impact of the individual on the judicial role, while exploring the collegiate environment in which judges must operate. This professional community can provide support but may also present its own challenges within the context of a particular court's relational dynamic and culture. The judge and the judiciary form the 'court', an institution grounded in a set of constitutional values that will influence how judges and the judiciary perform their functions. This collection brings together analysis of the judicial role that highlights these unique aspects, particularly in the Australian setting. Through the lenses of judicial leadership, diversity, collegiality, dissent, style, technology, the media and popular culture, it analyses how judges work individually and as a collective to protect and promote the institutional values of the court.
Offers an analysis of the politics of court reform through a focused review of Indonesia's complex court system.
This is a compendium of administrative law and judicial review in Papua New Guinea. In this book the author precisely recounts the history of the development of administrative law and judicial review in England and some other common law jurisdictions. The main theme of the book is, however, devoted to judicial review in Papua New Guinea. The practice and procedure for appealing from the decision of the National Court in judicial review are unique and onerous. This book evaluates them in detail to give the readers a complete sense of reference. The interlocutory procedures encapsulated in this book are also relevant for any proceeding before the courts. At the end of various chapters, the author makes some insightful and thought-provoking commentaries on gaps found in judicial review. The book is an authoritative text for lawyers, law students, academia, judicial officers and other interested persons alike. It is a must read for lawyers and law students who seek to be familiar with the often cumbersome judicial review procedures and practices. For students and scholars in other disciplines who aim to learn and abreast themselves of how administrative law affects administrative action and public policy, this book is a perfect choice. The book dissects complex administrative law concepts and enables lay persons, including those in the public service, to fully understand and apply them. The book is a valuable resource material for the Pacific Island countries like Fiji, Vanuatu and Solomon Islands, who have adopted the common law legal systems similar to Papua New Guinea.
Part of Butterworths 'Law in Context Series', this is a description and evaluation of the UK public sector ombudsman system, focusing on the Parliamentary, Health Service and Local Government ombudsmen in England. It also covers the public sector ombudsmen in Scotland, Wales and Northern Ireland.
Supreme Courts Under Pressure
Judicial Review of Administrative Action
English Civil Law
A Comparative Study with a View to the Possible Development of Pre Trial Procedures in Administrative Law in Turkey
Cases, Materials and Text on Judicial Review of Administrative Action
Textbook on Administrative Law

In this book, leading experts from across the common law world assess the impact of four seminal House of Lords judgments decided in the 1960s: Ridge v Baldwin, Padfeld v Minister of Agriculture, Conway v Rimmer, and Anisminic v Foreign Compensation Commission. The 'Quartet' is generally acknowledged to have marked a turning point in the development of court-centred administrative law, and can be understood as a 'formative moment' in the emergence of modern judicial review. These cases are examined not only in terms of the points each case decided, and their contribution to administrative law doctrine, but also in terms of the underlying conception of the tasks of administrative law implicit in the Quartet. By doing so, the book sheds new light on both the complex processes through which the modern system of judicial review emerged and the constitutional choices that are implicit in its jurisprudence. It further reflects upon the implications of these historical processes for how the achievements, failings and limitations of the common law in reviewing actions of the executive can be evaluated.

I have received substantial monetary compensation and a formal apology from my first doctoral school, and a Ph.D. from another university. This essay describes my personal view on discussing the boundaries of academic judgment and research supervision with the ombudsman agency for higher education, and at the High Administrative Court of England and Wales. The Court's judicial doctrine addresses substantial research accountability matters. It clarifies that although the Court and ombudsman agency must not interfere with academic judgment, not everything done by an academic can be considered as academic judgment. A Ph.D. supervisor can seriously fail to perform his/her duties.

Writing in the sixth edition of this Handbook, author Michael Fordham described his ambition when writing the first edition (and indeed all subsequent editions) of this book as "to read as many judicial review cases as I could and to try to extract, classify and present illustrations and statements of principle". Behind this aim lay the practitioner's overwhelming need to know and understand the case-law. Without it, as Fordham says "much can be achieved in public law through instinct, experience and familiarity with general principles which are broad, flexible and designed to accord with common sense". But with knowledge of the case law comes the vital ability to be able to point to and rely on an authoritative statement of principle and working illustration. Knowing the case-law is crucial: "the challenge is to find it". This, the sixth edition of the Handbook, continues the tradition established by earlier editions, in rendering the voluminous case-law accessible and knowable. This Handbook remains an indispensable source of reference and a guide to the case-law in judicial review. Established as an essential part of the library of any practitioner engaged in public law cases, the Judicial Review Handbook offers unrivalled coverage of administrative law, including, but not confined to, the work of the Administrative Court and its procedures. Once again completely revised and up-dated, the sixth edition approximates to a restatement of the law of judicial review, organised around 63 legal principles, each supported by a comprehensive presentation of the sources and an unequalled selection of reported case quotations. It also includes essential procedural rules, forms and guidance issued by the Administrative Court. As in the previous edition, both the Civil Procedure Rules and Human Rights Act 1998 feature prominently as major influences on the shaping of the case-law. Their impact, and the plethora of cases which explore their meaning and application, were fully analysed and evaluated in the previous edition, but this time around their importance has grown exponentially and is reflected in even greater attention being given to their respective roles. Attention is also given to another new development - the coming into existence of the Supreme Court. Here Michael Fordham casts an experienced eye over the Court's work in the area of judicial review, and assesses the early signs from a Court that is expected to be one of the key influences in the development of judicial review in the modern era. The author, a leading member of the English public law bar, has been involved in many of the leading judicial review cases in recent years and is the founding editor of the Judicial Review journal. "...an institution for those who practise public law...it has the authority that comes from being compiled by an author of singular distinction". (Lord Woolf, from the Foreword to the Fifth Edition)

It is commonly asserted that bills of rights have had a 'righting' effect on the principles of judicial review of administrative action and have been a key driver of the modern expansion in judicial oversight of the executive arm of government. A number of commentators have pointed to Australian administrative law as evidence for this 'righting' hypothesis. They have suggested that the fact that Australia is an outlier among common law jurisdictions in having neither a statutory nor a constitutional framework to expressly protect human rights explains why Australia alone continues to take an apparently 'formalist', 'legalist' and 'conservative' approach to administrative law. Other commentators and judges, including a number in Canada, have argued the opposite: that bills of rights have the effect of stifling the development of the common law. However, for the most part, all these claims remain just that – there has been limited detailed analysis of the issue, and no detailed comparative analysis of the veracity of the claims. This book analyses in detail the interaction between administrative and human rights law in Australia and Canada, arguing that both jurisdictions have reached remarkably similar positions regarding the balance between judicial and executive power, and between broader fundamental principles including the rule of law, parliamentary sovereignty and the separation of powers. It will provide valuable reading for all those researching judicial review and human rights.

The Newest Despotism?
Judicial Change and Legal Culture in Indonesia
Judicial Review of Administrative Action and Advanced Administrative Law
The Administration of Criminal Justice in England and Wales
Criminal Justice Administration [H.L.] A Bill [as Amended by Standing Committee A) Intituled an Act to Provide for the Appointment of Additional Puisne Judges of the High Court, of Assistant Clerks of Assize and of a Sheriff for Part of the West Riding of York ; to Amend the Law Relating to Courts of Quarter Sessions and to the Administration of Criminal Justice in England and Wales ; and for Purposes Connected with Those Matters
chapter 15, explanatory notes

The Administration of Criminal Justice in England and Wales outlines in simple language what takes place in trial courts in England and Wales. This book focuses on the administration of justice in England and Wales, which is divided into three categories— magistrates' courts, Quarter Sessions, and Assizes. The fundamental difference between these categories is that trials in magistrates' courts take place before a bench of magistrates, a stipendiary or metropolitan magistrate, while Quarter Sessions or Assizes are trials by jury. The topics discussed include the magistrates' courts; transition from magistrates' courts to Quarter Sessions and Assize courts; jurors; trial by jury–Quarter Sessions; and after-trial duties–appeals to court of criminal appeal. A table of the courts engaged in administering criminal law is provided after the introduction of this text. This publication is a good reference for students aiming to become practicing barristers, solicitors, members of the Assize courts staff, clerks of the peace, or justices' clerks.
This publication presents a comprehensive set of statistics on judicial and court activity in England and Wales during 2008. Divided into 11 chapters, it provides statistics on the following areas: Appellate Courts; High Court - Chancery Division; High Court - Queen's Bench Division; County Courts (non family); Family matters; the Crown Court; Magistrates' courts; the Mental Capacity Act; Offices of the Supreme Court ; the judiciary; assessment of litigation costs, and publicly funded legal services. An annex sets out the data quality and sources.
Hilaire Barnett's respected and ever-popular textbook helps to provide students with an understanding of the constitution's past, present and future by analysing and illustrating the political and socio-historical contexts which have shaped the constitution, the current major rules and principles of public law and on-going constitutional reform.
Constitutional and administrative law (public law) is an essential element of all law degrees. Unlocking Constitutional and Administrative Law will ensure that you grasp the main concepts with ease, while giving you an indispensable foundation in the subject. This revised fourth edition is fully up to date with the latest key changes in the law and constitutional developments. The UNLOCKING THE LAW series is designed specifically to make the law accessible. Each chapter contains: aims and objectives; activities such as self-test questions; charts of key facts to consolidate your knowledge; diagrams to aid memory and understanding; prominently displayed cases and judgments; chapter summaries; a glossary of legal terminology; essay questions with answer plans. The series covers all the core subjects required by the Bar Council and the Law Society for entry onto professional qualifications as well as popular option units.
Introduction to Public Law and Human Rights – REVISION GUIDE
Creating Constitutionalism?
Assisting the High Administrative Court in Restricting Too Broad a Concept of Academic Judgment
Containing All the Statutes, Rules of Court and Reported Cases on Practical Subjects, Since the Publication of the 9th Ed. : Particularly the Late Act, for the More Effectual Administration of Justice, in England and Wales : and Also a Practical Treatise on the Tender of Money : and the Law Relating to Fees of Officers of the Courts : with an Appendix of Practical Forms, Under the Above Act : and a Copious Index
Criminal Justice Administration [H.L.]. A Bill Intituled an Act to Provide for the Appointment of Additional Puisne Judges of the High Court, of Assistant Clerks of Assize and of a Sheriff for Part of the West Riding of York ; to Amend the Law Relating to Courts of Quarter Sessions and to the Administration of Criminal Justice in England and Wales ; and for Purposes Connected with Those Matters
Executive Decision-Making and the Courts

Public Law and Human Rights is a core module in the legal education of the United Kingdom (UK). Throughout the world it is known as common law. While common law consists of case-law and statutes, it has reached its present state by incorporating elements of international law, prerogative power and other legal and non-legal sources such as conventions and customs. This book closely examines the public law (constitution and administrative law) and human rights system of the UK (England and Wales in particular). The reason for the emergence of this book is that other publications do not explain such a complex issue in plain language, which makes it very difficult for those taking an interest, in particular A-level as well as LLB/LLM law students. This book does not repeat material that is available in many textbooks that are in print. Rather, it endeavours to present every topic in plain language and concludes every chapter with a fictitious, explanatory sample case. This book will also assist students to prepare for examinations. It comes with a test that summarizes all the subjects contained in the book, which is appropriate to the first stage SQE (Solicitors Qualifying Examination) examination. This concise text brings clearly into focus the key elements of public law and human rights. The Q&A approach, examples and exercises provide an excellent way for students to both gain knowledge and apply that knowledge to this complex area of law. – Dr Ryan Hill, Deputy Head of School, Anglia Ruskin University, Law School, UK This resource presents the core framework of Public Law and human rights within the United Kingdom, and also the key current debates surrounding this subject, in clear and accessible language. The technique of using fictional cases to work through practical issues is an excellent way for students to gain insight into the real world application of theoretical principles. Not only does this book help prepare learners for assessments, it also provides support in developing critical legal thinking which will be of great value in their professional lives. – Javier Garcia Oliva, Professor of Law, The University of Manchester, UK CONTENTS: Abbreviations About the author Foreword PART A. Constitutional Law CHAPTER I. Introduction: The Nature and Sources of the Constitution CHAPTER II. Fundamental Constitutional Principles CHAPTER III. Houses of Parliament and the Legislative Process PART B. Human Rights CHAPTER IV. Human Rights in the UK: Human Rights Act 1998 and European Convention on Human Rights CHAPTER V. Fundamental Freedoms in the Human Rights Act/European Convention on Human Rights PART C. Administrative Law CHAPTER VI. The Principles of Judicial Review and Preliminary Requirements CHAPTER VII. Judicial Review Grounds I: Illegality and Unreasonableness/Irrationality CHAPTER VIII. Judicial Review Grounds II: Procedural Impropriety CHAPTER IX. Administrative Justice: Inquiries, Ombudsman and Tribunals SUMMARY: Sample Test Questions PART A – Constitutional Law PART B – Human Rights PART C – Administrative Law ANSWERS
This book discusses civil litigation at the supreme courts of nine jurisdictions – Argentina, Austria, Croatia, England and Wales, France, Germany, Italy, Spain and the United States – and focuses on the available instruments used to keep the caseload of these courts within acceptable limits. Such instruments are necessary in order to allow supreme courts to fulfil their main duties, that is, the administration of justice in individual cases (private function) and providing for the uniformity and development of the law within their respective jurisdictions (public function). If the number of cases at the supreme court level is too high, the result is undue delays, which are mainly problematic with regard to the private function. It may also put the quality of the court's judgments under pressure, which can affect its public and private function alike. Thus, measures aimed at avoiding excessive caseloads need to take both functions into account. Increasing the capacity of the court to handle larger numbers of cases may result in the court being unable to adequately fulfil its public function, since large numbers of court decisions make it difficult to guarantee the uniformity of the law and its development. Therefore, a balanced approach is needed to safeguard capacity and quality. As shown by the contributions gathered here, the nature of reform in this area is not the same everywhere. There are a variety of reasons for this heterogeneity, ranging from different understandings of the caseload problem itself, local conceptions regarding the purpose of the Supreme Court, and strong entitlements concerning the right to appeal to budgetary restrictions and extremely rigid legislation. The book also shows that the implementation of similar solutions to case overload, such as access filters, may have different effects in different jurisdictions. The conclusion might well be that the problem of overburdened courts is multifactorial and context-dependent, and that easy, one-size-fits-all solutions are hard to find and perhaps even harder to implement.
Explores the English origins of the principles of judicial review in common law jurisdictions and autochthonous pressures for their adaptation.
Please note that the content of this book primarily consists of articles available from Wikipedia or other free sources online. Pages: 33. Chapters: Accountant General, Act on petition, Administrative Court (England and Wales), Chancellor of the High Court, Civil Justice Council, Civil procedure in England and Wales, Civil Procedure Rules, Commercial Court (England and Wales), Companies Court, Costs (English law), County Court Bulk Centre, Court of Chancery, Court of Exchequer Chamber, King's Advocate, Master of the Rolls, Patents Court, Pleading (England and Wales), Redundancy in English law, Regius Professor of Civil Law (Oxford), Six Clerks, Squatting in England, Statement of case, Tomlin order. Excerpt: The Court of Chancery was a court of equity in England and Wales that followed a set of loose rules to avoid the slow pace of change and possible harshness (or "inequity") of the common law. The Chancery had jurisdiction over all matters of equity, including trusts, land law, the administration of the estates of lunatics and the guardianship of infants. Its initial role was somewhat different, however; as an extension of the Lord Chancellor's role as Keeper of the King's Conscience, the Court was an administrative body primarily concerned with conscientious law. Thus the Court of Chancery had a far greater remit than the common law courts, whose decisions it had the jurisdiction to overrule for much of its existence, and was far more flexible. Until the 19th century, the Court of Chancery could apply a far wider range of remedies than the common law courts, such as specific performance and injunctions, and also had some power to grant damages in special circumstances. With the shift of the Exchequer of Pleas towards a common law court, the Chancery became the only equitable body in the English legal system. Academics estimate that the Court of Chancery formally split from and became independent of the curia regis in the mid-14th century, at which time it...
The Administration of Civil Justice in England and Wales
Tribunals, Courts and Enforcement Act 2007

Administrative Justice in Wales and Comparative Perspectives
Understanding Administrative Law in the Common Law World
Essays in Honour of Paul Craig

Administrative Law and The Administrative Court in WalesUniversity of Wales Press
First published in the 1930s, Bradley, Ewing and Knight is one of the UK's best known law textbooks of all time. Written by senior academics and a leading public law practitioner, the book is the definitive guide to all aspects of the constitution, and as such has been cited by courts across the world, including the UK's Supreme Court. At its heart however, the book remains a student textbook with one fundamental aim; to provide all law students with an accessible and comprehensive grounding in Public Law suitable for use on both first year modules, and more advanced optional courses. This 17th edition has been substantially updated to reflect the major constitutional upheavals of recent times, including: • Consideration of the impact of R (Miller) v Secretary of State for Exiting the EU across a range of chapters on Parliamentary sovereignty, the rule of law, devolution, and the relationship between EU law and national law. • A total rewrite of chapter 6 on Britain and the EU, with a full analysis of the constitutional implications of Brexit; • Discussion of the use of the rule of law by the Supreme Court in recent high-profile decisions such as Evans (Prince Charles' letters and the executive veto) and Unison (employment tribunal fees). • A major rewrite of substantial parts of chapter 16 on privacy and surveillance, to take in the Investigatory Powers Act 2016, the so-called 'snooper's charter'; • Re-examination of the devolution settlements following the Scottish independence referendum, Brexit, the Scotland Act 2016 and the Wales Act 2017, along with expanded consideration of local government within the constitution.
Disputes between citizens or businesses and the State about respective rights and duties are at the core of administrative law. The ability for citizens and businesses to hold Government accountable for acting within the rule of law is a key element of good governance. It provides legal certainty and guarantees predictable and rule-based implementation of legal and regulatory frameworks across different sectors. It also provides Government with effective mechanisms to enforce these frameworks. An effective administrative justice system is therefore a crucial element to make sure all players follow the rules of the game. As such, it is an important aspect of a sound investment climate. The Turkish Ministry of Justice has identified the absence of pre-trial procedures in the administrative justice system as a major obstacle to the efficient and effective delivery of judicial services to citizens, businesses, and the state. There are widespread complaints that administrative judges crumble after a heavy workload and that certain types of cases may be more effectively dealt with outside of the courts. This will make dispute resolution for citizens, businesses, and the state more effective and will alleviate the workload of the administrative courts. Current dysfunctions also affect Turkey's ability to live up to its commitments under the European convention for human rights. Its article six grants those seeking justice the right to a fair trial within reasonable time. Citizens and businesses bring complaints to the European court of human rights which has the power to condemn signatory states for non-compliance. This has financial implications as a country found in violation of this convention has to pay compensation. Beyond the financial implications, though, it negatively affects the image of the Turkish justice system abroad and particularly in Europe, which casts a cloud over European Union accession negotiations.

This casebook studies the law governing judicial review of administrative action. It examines the foundations and the organisation of judicial review, the types of administrative action, and corresponding kinds of review and access to court. Significant attention is also devoted to the conduct of the court proceedings, the grounds for review, and the standard of review and the remedies available in judicial review cases. The relevant rules and case law of Germany, England and Wales, France and the Netherlands are analysed and compared. The similarities and differences between the legal systems are highlighted. The impact of the jurisprudence of the European Court of Human Rights is considered, as well as the influence of EU legislative initiatives and the case law of the Court of Justice of the European Union, in the legal systems examined. Furthermore, the system of judicial review of administrative action before the European courts is studied and compared to that of the national legal systems. During the last decade, the growing influence of EU law on national procedural law has been increasingly recognised. However, the way in which national systems of judicial review address the requirements imposed by EU law differs substantially. The casebook compares the primary sources (legislation, case law etc) of the legal systems covered, and explores their differences and similarities: this examination reveals to what extent a ius commune of judicial review of administrative action is developing.

The Judge, the Judiciary and the Court

Judicial Review Handbook

Supplement to The Practice of the Courts of King's Bench and Common Pleas, &c

Administrative Law and The Administrative Court in Wales

Judicial Statistics England and Wales for the Year 2005

A Constructive Interpretation of the Role of the Administrative Court

First comparative study of women judges in the Asia-Pacific based on empirical socio-legal research.

Any practitioner faced with the decision as to whether to appeal, or who has questions arising at each stage, will benefit enormously from a book that examines the law, principles, procedures, and processes involved. This leading work has been updated and restructured, to ensure it provides guidance on the complete and complex process of making a civil appeal. Clearly written and cross referenced, the books UK/European coverage of appeals includes: -- District Judges to Circuit Judges in the County Court -- Masters and District Judges to High Court Judges -- Court of Appeal -- House of Lords -- Privy Council -- The European Court -- The European Court of Human Rights -- Administrative Law and Elections

The second volume in this series explores the evolution of administrative laws in Europe to better understand the foundations of EU institutions, focusing on the period of 1890-1910. These years saw both a growth of governments and either the entry into force or the consolidation of mechanisms of control on public authorities. Comparing the Austro-Hungarian Empire, Belgium, France, the German Empire, Italy, and the United Kingdom, this title focuses on their historical administrative actions and looks at their development during that time. The volume contains three sections. The first introduces the project and the topic. The second covers the six legal systems chosen for this study, looking at the historical context. The third takes a comparative approach across the six systems, following on from their histories to look at their development and legacies. This edited collection expands on the ideals of a common core within European administrative law and how they have shaped our world. This volume is an essential tool for anyone involved in administrative and constitutional law and legal history.

"The fifth edition of Textbook on Administrative Law has been comprehensively revised and updated to provide a concise and topical overview of this fast moving area of law." "The guiding theme for this study is how accountability is achieved through a 'grievance chain' comprising Parliament, informal methods of dispute resolution, ombudsmen, tribunals and, particularly, by the courts with the increased prominence of judicial review. This edition remains as accessible as ever, fully explaining the core areas of the subject and setting them within a contextual framework. In addition to wide-spread recognition as an invaluable core text for LLB and CPE students, Leyland and Anthony is a stimulating introduction to administrative law for postgraduates and for non-law undergraduates with an interest in the field."--BOOK JACKET.

Ombudsmen

The Foundations and Future of Public Law

The Politics of Legal Expertise and Administrative Law in England and Wales

Reconstructing Judicial Review

The Politics of Court Reform

Origins and Adaptation

The Administration of Civil Justice in England and Wales provides information of how both criminal and civil law is administered. This book discusses the jurisdiction and composition of the country courts, civil work of the magistrates' courts, as well as of the High Court of Justice. Organized into 12 chapters, this book begins with an overview of the historical origins from which the modern courts have emerged. This text then explains the various strata of courts, namely country courts, magistrates' courts, the Court of Justice including its various divisions, and the appeal facilities that are available to litigants. Other chapters consider the different administrative tribunals and inquiries. The final chapter deals with the costs and the availability of legal aid and advice. This book is a valuable resource for readers who are interested in the administration of civil and criminal justice. Law students and newly qualified practitioners will also find this book useful.

As well as a miscellaneous and general part, there are six main parts to this Act. Part 1 creates a new simplified framework for tribunals that brings the tribunal judiciary together under a Senior President, with a new supervisory body, the Administrative Justice and Tribunals Council. Part 2 provides for revised minimum eligibility requirements for appointments to judicial office. Part 3 unifies the law relating to enforcement by seizure and sale of goods. Part 4 contains measures to help creditors enforce civil court judgements. Part 5 makes changes to two statutory debt-management schemes. Part 6 provides immunity from seizure to objects which have been lent to this country from overseas.

This book offers a new framework for understanding contemporary administrative law, through a comparative analysis of case law from Australia, Canada, England, Ireland, and New Zealand. The author argues that the field is structured by four values: individual self-realisation, good administration, electoral legitimacy and decisional autonomy.

These statistics cover the work of the criminal and civil courts in England and Wales for which the Lord Chancellor is responsible (Court of Appeal, High Court, Crown Court, Magistrates Courts and the county courts system), as well as the work of some associated offices, including the Public Guardianship Office, the Judicial Committee of the Privy Council and certain tribunals. This volume contains revised statistics for the year 2005 (to replace those published in May 2006 as Cm. 6799, ISBN 0101679920), which are organised as follows: the first eight chapters give a brief description of the function, constitution and jurisdiction of the courts or tribunals concerned together with an explanation of some of the procedures involved; with chapters 9 and 10 dealing with the judiciary and taxation of costs and publicly funded legal services. The report also highlights major features of the statistics and considers key trends.

Judicial Review in England and Wales

Judicial Statistics, England and Wales

Early Judicial Standards of Administrative Conduct in Europe (1890-1910)

Human Rights and Judicial Review in Australia and Canada

Individual, Collegial and Institutional Judicial Dynamics in Australia

Judiciaries in Comparative Perspective

Considers the role of the legal system in the way political disputes are handled in twentieth-century Britain

An independent and impartial judiciary is fundamental to the existence and operation of a liberal democracy. Focussing on Australia, Canada, New Zealand, South Africa, the United Kingdom and the United States, this comparative 2011 study explores four major issues affecting the judicial institution. These issues relate to the appointment and discipline of judges; judges and freedom of speech; the performance of non-judicial functions by judges; and judicial bias and recusal, and each is set within the context of the importance of maintaining public confidence in the judiciary. The essays highlight important episodes or controversies affecting members of the judiciary to illustrate relevant principles.

This book offers a unique understanding of what administrative justice means in Wales and for Wales, whilst also providing an expert and timely analysis of comparative developments in law and administration. It includes critical analysis of distinctly Welsh administrative laws and redress measures, whilst examining contemporary administrative justice issues across a range of common and civil law, European and international jurisdictions. Key issues include the roles of commissioners, administrative courts, tribunals and ombudsmen in devolved and federal nations, and evolving relationships between citizens and the state – especially in the context of localisation and austerity – and will be of interest to legal and public administration professionals at home and internationally.

Public law in the UK and EU has undergone seismic changes over the last forty years: development and membership of the EU, the Human Rights Act, devolution, the fostering of public law expertise within the judiciary, the globalization of public law, and the increased interaction between the academy, judiciary, barristers, public interest groups, and legislatures have transformed the public law landscape. Commentators spend much time at the frontiers of the subject, responding rapidly to new developments and providing guidance to scholars, legislators, and judges for future directions. In these circumstances, there is rarely a chance to reflect upon the implications of these changes for the fundamentals of public law and how those fundamentals relate to one another. In this collection, leading figures in UK and EU public law address this lacuna. Inspired by the depth, scope, and ambition of the work of Paul Craig, Professor of English Law at Oxford University, the focus of this collection is upon exploring and reflecting upon six fundamentals of public law and the interrelationship between them: legislation, case law, theory, institutions, process, and constitutions.

Accountant General, Act on Petition, Administrative Court (England and Wales), Chancellor of the High Court, Civil Justice Council,

Women and the Judiciary in the Asia-Pacific

Administrative Law and Judicial Review in Papua New Guinea

Unlocking Constitutional and Administrative Law

Administrative Justice Fin de siècle

Public Services and Administrative Justice

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.

The last two decades have witnessed an exponential growth in debates on the use of foreign law by courts. Different labels have been attached to the same phenomenon: judges drawing inspiration from outside of their national legal systems for solving purely domestic disputes. By doing so, the judges are said to engage in cross-border judicial dialogues. They are creating a larger, transnational community of judges. This book puts similar claims to test in relation to highest national jurisdictions (supreme and constitutional courts) in Europe today. How often and why do judges choose to draw inspiration from foreign materials in solving domestic cases? The book addresses these questions from both an empirical and a theoretical angle. Empirically, the genuine use of comparative arguments by national highest courts in five European jurisdictions is examined: England and Wales, France, Germany, the Czech Republic, and Slovakia. On the basis of comparative discussion of the practice and its national theoretical underpinning in these and partially also in other European systems, an overreaching theoretical framework for the current judicial use of comparative arguments is developed. Drawing on the author's own past judicial experience in a national supreme court, this book is a critical account of judicial engagement with foreign authority in Europe today. The sober middle ground inductively conceptualized and presented in this book provides solid jurisprudential foundations for the ongoing use of comparative arguments by courts as well as its further scholarly discussion.

As we progress into the twenty-first century, Wales is acquiring a new identity and greater legislative autonomy. The National Assembly and the Welsh Government have power to create laws specifically for Wales. In parallel, the judicial system in Wales is acquiring greater autonomy in its ability to hold the Welsh public bodies to account. This book examines the principles involved in challenging the acts and omissions of Welsh authorities through the Administrative Court in Wales. It also examines the legal provisions behind the Administrative Court, the principles of administrative law, and the procedures involved in conducting a judicial review, as well as other Administrative Court cases. Despite extensive literature on public and administrative law, none are written solely from a Welsh perspective: this book examines the ability of the Welsh people to challenge the acts and omissions of Welsh authorities through the Administrative Court in Wales.

Controlling Caseload in the Administration of Civil Justice

Revisiting the Origins of Modern Judicial Review

Constitutional & Administrative Law

Constitutional and Administrative Law

Pre-trial Procedures in Administrative Justice Proceedings in England and Wales, France, Germany and the Netherlands

Comparative Reasoning in European Supreme Courts