

1. Record Nr.	UNINA9910154813603321
Autore	Masterman Roger
Titolo	Exploring constitutional and administrative law // Roger Masterman, Colin Murray
Pubbl/distr/stampa	Harlow, England : , : Pearson, , 2013
ISBN	1-4082-0421-5
Edizione	[1st ed.]
Descrizione fisica	1 online resource (660 pages) : illustrations
Collana	Always Learning
Disciplina	342.41
Soggetti	Constitutional law - Great Britain Administrative law - Great Britain
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di contenuto	Cover -- Contents -- Guided tour -- Preface and acknowledgements -- Table of cases -- Table of statutes -- Part I Constitutional regulation in the absence of a codified constitution -- 1 The purposes and characteristics of constitutions -- Chapter outline -- The nature and purpose of constitutions -- Characteristics of constitutions - does the United Kingdom have a constitution? -- The content of constitutions -- Forms of constitutions -- The United Kingdom Constitution -- Practice questions -- Further reading -- 2 The domestic sources of the United Kingdom Constitution -- Chapter outline -- Introduction: a constitution built using different materials -- Legal sources of the constitution -- Non-legal sources of the constitution -- Conclusion -- Practice questions -- Further reading -- 3 The United Kingdom Constitution and international legal orders -- Chapter outline -- Introduction: a new source of constitutional law? -- The United Kingdom's Constitution and public international law -- The United Kingdom and the European Union -- Conclusion -- Practice questions -- Further reading -- 4 Law, politics and the nature of the United Kingdom Constitution -- Chapter outline -- Introduction: the relationships between law and politics -- Two competing ideas of constitutionalism -- Judges and political questions -- The differing responses of law and politics illustrated -- Conclusion: the legalisation of the United Kingdom Constitution? -- Practice questions -- Further reading -- Part II The theory and practice of the United Kingdom

Constitution -- 5 Parliamentary sovereignty -- Chapter outline -- Introduction -- Diceyan orthodoxy: the legally unlimited power of Parliament -- Parliamentary sovereignty: a legal or political construct? -- Can Parliament bind itself? -- What is an Act of Parliament? The relationships between primary legislation and other sources of law -- Contemporary challenges to parliamentary sovereignty -- Does the orthodox account of parliamentary sovereignty retain currency? -- Conclusion -- Practice questions -- Further reading -- 6 The rule of law -- Chapter outline -- Introduction -- The rule of law's domain -- The core rule of law -- The extended rule of law -- The substantive rule of law -- Conclusion -- Practice questions -- Further reading -- 7 Separation of powers -- Chapter outline -- Introduction -- The theory and aims of separation of powers -- Governmental institutions and functions -- Separation of powers in the United Kingdom Constitution (I): a partial division of functions? -- Separation of powers in the United Kingdom (II): partially separated institutions? -- Constitutional checks and balances -- Conclusion -- Practice questions -- Further reading -- Part III Structures of national government in the United Kingdom -- 8 The executive -- Chapter outline -- Introduction -- From absolute monarchy to the modern executive -- The composition and role of the modern executive -- Conclusion -- Practice questions -- Further reading -- 9 Parliament (I): the House of Commons -- Chapter outline -- Introduction: Parliament -- The composition of the House of Commons -- The role and functions of the House of Commons -- The pre-eminent House of Parliament -- The question of 'elective dictatorship' -- Electoral systems and electoral reform -- Conclusion -- Practice questions -- Further reading -- 10 Parliament (II): the House of Lords -- Chapter outline -- Introduction -- The composition of the House of Lords -- Role of the House of Lords -- Reform of the House of Lords -- Conclusion -- Practice questions -- Further reading. 11 The United Kingdom Supreme Court and the office of Lord Chancellor: towards an independent judicial branch? -- Chapter outline -- Introduction -- The apex of the United Kingdom judicial system prior to the Constitutional Reform Act 2005 -- The pressure for institutional reform of the judiciary -- The Constitutional Reform Act 2005 -- Conclusion -- Practice questions -- Further reading -- Part IV Sub-national structures of government -- 12 The United Kingdom's devolution arrangements -- Chapter outline -- Introduction -- From union to devolution -- Devolution in practice: Scotland -- Devolution in practice: Wales -- Devolution in practice: Northern Ireland -- Conclusion -- Practice questions -- Further reading -- 13 Devolution and the United Kingdom Constitution -- Chapter outline -- Introduction -- The subordinate nature of the devolved legislatures -- The English and West Lothian questions -- Tackling the English and West Lothian questions -- Conclusion -- Practice questions -- Further reading -- Part V Accountability (I): responsibility, scrutiny, openness and good administration -- 14 Principles of political accountability -- Chapter outline -- Introduction -- Political and legal accountability distinguished -- Open government and effective accountability -- Individual ministerial responsibility -- Sanctions and effectiveness -- Conclusion -- Practice questions -- Further reading -- 15 Parliamentary scrutiny of government -- Chapter outline -- Introduction -- Scrutiny in Parliament -- Reforming parliamentary scrutiny: the Wright reforms -- Assessing parliamentary scrutiny of government -- Conclusion -- Practice questions -- Further reading -- 16 The Parliamentary Ombudsman -- Chapter outline -- Introduction -- The work of the Parliamentary Ombudsman -- Remedies and redress -- Efficiency and effectiveness -- Conclusion -- Practice

questions.

Further reading -- 17 Freedom of information -- Chapter outline -- Introduction -- The Freedom of Information Act 2000 -- Assessing the impact of the Freedom of Information Act -- Conclusion -- Practice questions -- Further reading -- Part VI Accountability (II): the courts -- 18 Judicial review of administrative action - theory, procedure and remedies -- Chapter outline -- Introduction -- The constitutional role of judicial review -- Procedural elements of a judicial review -- Remedies available under judicial review -- Conclusion -- Practice questions -- Further reading -- 19 Judicial review of administrative action - grounds for review -- Chapter outline -- Introduction -- Illegality -- Irrationality -- Procedural impropriety -- Legitimate expectations -- Conclusion -- Practice questions -- Further reading -- 20 The European Convention on Human Rights -- Chapter outline -- Introduction -- The nature of human rights -- The development of the ECHR and associated institutions -- The rights and freedoms protected under the ECHR -- Human rights and trade-offs under the ECHR -- Conclusion -- Practice questions -- Further reading -- 21 The Human Rights Act -- Chapter outline -- Introduction -- From civil liberties to human rights -- Incorporating the Convention -- The HRA and legislation -- Employing the Convention rights under the HRA -- Conclusion -- Practice questions -- Further reading -- Index.

Sommario/riassunto

Exploring Constitutional and Administrative Law is the only academic text that addresses head-on some of the issues many students have with the subject, by using engaging features that are both accessible and rigorous. Contemporary case studies engage the reader by highlighting the legal relevance of each topic, before the black letter law, surrounding academic debate and wider political and economic context are introduced. This text is eminently suitable for all undergraduate courses on Constitutional and Administrative Law.
