

1. Record Nr.	UNINA9910451431803321
Autore	Elliott Mark <1975->
Titolo	The constitutional foundations of judicial review / Mark Elliott
Pubbl/distr/stampa	Oxford [England] ; Portland, Oregon, : Hart Publishing, 2001
ISBN	1-4725-5904-5 1-280-80794-6 9786610807949 1-84731-051-6
Edizione	[1st ed.]
Descrizione fisica	1 online resource (292 p.)
Disciplina	347.41012
Soggetti	Judicial review of administrative acts - Great Britain Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	1. Justifying Judicial Review -- 2. The Traditional Ultra Vires Principle -- 3. Legislative Frameworks and the Control of Discretionary Power -- 4. The Modified Ultra Vires Principle -- 5. Beyond the Logical Boundary? Judicial Review of Non-Statutory Power -- 6. Judicial Review and Human Rights -- 7. The Constitutional Foundations of Judicial Review
Sommario/riassunto	Recent years have witnessed a vibrant debate concerning the constitutional basis of judicial review, which reflects a broader discourse about the role of the courts, and their relationship with the other institutions of government, within the constitutional order. This book comprehensively analyses the foundations of judicial review. It subjects the traditional justification, based on the doctrine of ultra vires, to critical scrutiny and fundamental reformulation, and it addresses the theoretical challenges posed by the impact of the Human Rights Act 1998 on administrative law and by the extension of judicial review to prerogative and non-statutory powers. It also explores the relationship between the theoretical basis of administrative law and its practical capacity to safeguard individuals against maladministration. The book seeks to develop a constitutional rationale for judicial review which finds its legitimacy in core principles such as the rule of law, the separation of powers and the sovereignty of Parliament. It presents a

detailed analysis of the interface between constitutional and administrative law, and will be of interest to all public lawyers
