

The Human Rights Act, 1998

Over the past two decades, there has been increasing recognition of the ways in which disabled children and adults have been denied human and civil rights that others take for granted. In the year 2000, the Human Rights Act 1998 came into force. This book reviews the implications of the Act for disabled people. The book provides: an overview of key policy and legislative developments in the UK in relation to disabled children and adults in the post war period; an outline of the European Convention on Human Rights, The Human Rights Act 1998 and related procedures; an account of the ways in which disabled people's human rights have increasingly become a matter of concern and the implications of the Human Rights Act in relation to specific issues; a debate about the ways in which public bodies and practitioners within them can engage positively with the provisions of the Human Rights Act to develop better practice. Disabled people and human rights will be of interest to both disabled people themselves and organisations representing their interests, professionals whose work brings them into contact with disabled people, and students of social work, social care, disability studies and law.

The Human Rights Act 1998 provides, for the first time, for the enforcement of the European Convention on Human Rights against a public authority directly, through any level of the domestic courts. Several Articles of the European Convention have been specifically drafted to deal with the rights of the family. Implementation of the Act will throw up a number of important issues for family lawyers, who must understand the scope of the Act or risk exposure to possible negligence claims. Family Law and the Human Rights Act 1998 explains the family-law related aspects of the Act and assesses the implications of the Act to family lawyers.

This highly acclaimed textbook provides law students with a thorough introduction to the Human Rights Act 1998, its background, how it came to be passed and the mass of case law that has followed it. The authors discuss the particular rights the Act embodies, including the law's response to terrorism. Combining broad topic coverage with an engaging writing style, Hoffman and Rowe provide an outstanding platform for students wishing to gain an in-depth and critical understanding of this contemporary, contentious and constantly evolving area of law. The Human Rights Act 1998 and the incorporation of the European Convention on Human Rights should have a significant impact in the constitutional balance between the citizen and the state. The Act ensures that the rights in the Convention are binding on

all public bodies or those that exercise public functions.

A Practitioner's Guide

An Overview

The Human Rights Act in its First Decade

Human Rights in the UK

A General Guide to the Human Rights Act, with Information about Your Human Rights and what You Can Do If Someone Doesn't Respect Them. Applies to England and Wales

The Human Rights Act 1998 and the European Convention on Human Rights

This textbook comprehensively examines and analyses the interpretation and application of the United Kingdom's Human Rights Act 1998. The third edition has been fully updated to include the last seven years of case law. Part I covers key procedural issues including: the background to the Act; the relationship between UK courts and the European Court of Human Rights; the definition of victim and public authority; determining incompatibility including deference and proportionality; the impact of the Act on primary legislation; and damages and other remedies for the violation of Convention rights. In Part II of the book, the Convention rights, as interpreted and applied by United Kingdom courts, are examined in detail. All of the key Convention rights are discussed including: the right to life; freedom from torture and inhuman or degrading treatment or punishment; the right to liberty; fair trial; the rights to private life, family life and home; freedom of religion and belief; freedom of expression; the right to peaceful enjoyment of possessions; and the right to freedom from discrimination in the enjoyment of Convention rights. The third edition of Human Rights Law will be invaluable for those teaching, studying and practising in the areas of United Kingdom human rights law, constitutional law and administrative law. This is a high level introduction to an enormously important piece of legislation, the Human Rights Act 1998. It explains what the Act does and what Convention law (under the European Convention) is and how it works. The text sets out what Convention law exists and shows how the Act may affect domestic law and practice in these areas, and assembles the legal material in a way that is accessible, practical and understandable to both specialists and general practitioners. The book pulls together the knowledge and expertise of some of the leading practitioners in the areas affected by the Act. It includes: - Tax law - Planning law - Employment law - Public law - Housing law - Social welfare law - Family and child law - Criminal justice.

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.

Since its inception in 1998 the Human Rights Act (HRA) has come in for a wide variety of criticism on legal, constitutional, political and cultural grounds. More recently, this criticism escalated significantly as politicians have seriously considered proposals for its abolition. This book examines the main arguments against the HRA and the issues which have led to public hostility against the protection of human rights. The first part of the book looks at the legal structures and constitutional aspects of the case against the HRA, including the criticism that the HRA is undemocratic and is used by judges to subvert the will of parliament. The second part of the book looks at specific issues, such as immigration and terrorism, where cases involving the HRA have triggered broader public concerns about the protection of human rights. The final section of this book looks at some of the structural issues that have generated hostility to the HRA, such as media coverage and the perception of the legal profession. This book aims to unpick the complex climate of hostility that the HRA has faced and examine the social, political and legal forces that continue to inform the case against the HRA.

Judicial Competence and Independence in the United Kingdom

A review of the implications of the 1998 Human Rights Act for disabled children and adults in the UK

Media Freedom Under the Human Rights Act

Contemporary themes and perspectives

Human Rights Act 1998

European Human Rights Law

With many issues still to be resolved, the Human Rights Act has brought considerable uncertainty with respect to healthcare law. Written as a critical collection of essays, this invaluable book provides a careful examination and analysis of the issues and how they might

be resolved. The book fully explores the relevance and potential impact of the European Convention on Human Rights and Biomedicine, both genetically and in specific areas such as medical research and biotechnology.

By giving further effect to the European Convention on Human Rights, the Human Rights Act 1998 has had a significant effect on property law. Article 1 of the First Protocol to the Convention is particularly important, as it protects against the interference with the enjoyment of possessions. Compulsory acquisition, insolvency, planning, taxation, environmental regulation, and landlord and tenant laws are just some of the fields where the British and European courts have already had to assess the impact of the Protocol on private property. The Human Rights Act 1998 also restricts the scope of property rights, as some Convention rights conflict with rights of private property. For example, the Article 8 right to respect for the home has been used to protect against environmental harm, in some cases at the expense of property and economic rights. This book seeks to provide a structured approach to the extensive case law of the European Court of Human Rights and the UK courts on these issues, and to provide guidance on the direction the law is likely to take in future. Chapters cover the history and drafting of the relevant Convention rights, the scope and structure of the rights (especially Article 1 of the First Protocol), and how, through the Human Rights Act 1998, the Convention rights have already affected and are likely to affect developments in selected areas of English law.

The Human Rights Act 1998 is criticised for providing a weak protection of human rights. The principle of parliamentary legislative supremacy prevents entrenchment, meaning that courts cannot overturn legislation passed after the Act that contradicts Convention rights. This book investigates this assumption, arguing that the principle of parliamentary legislative supremacy is sufficiently flexible to enable a stronger protection of human rights, which can replicate the effect of entrenchment. Nevertheless, it is argued that the current protection should not be strengthened. If correctly interpreted, the Human Rights Act can facilitate democratic dialogue that enables courts to perform their proper correcting function to protect rights from abuse, whilst enabling the legislature to authoritatively determine contestable issues surrounding the extent to which human rights should be protected alongside other rights, interests and goals of a particular society. This understanding of the Human Rights Act also provides a different justification for the preservation of Dicey's conception of parliamentary sovereignty in the UK Constitution. The Human Rights Act 1998, incorporating into English law the

European Convention on Human Rights, has the potential to impact on almost any type of case argued in the British courts. Therefore, all criminal and civil litigators need to know exactly how the Act will arise in day to day practice. Those who do not run the risk of negligence claims. Human Rights Act 1998: A Practical Guide: explains the nature of the Convention and its principles analyses the effect of each provision and its interaction with the rest of the Convention addresses the impact of the Convention and Act on each of a dozen different areas of practice reproduces and annotates the Act Written by a team of barristers from 6 King's Bench Walk specialising in human rights, this comprehensive and inexpensive work presents excellent value for money and includes the full text of the Human Rights Act 1998.

The Human Rights Act 1998 and the European Convention

Physical Penetration Testing For IT Security Teams

Current Challenges in Historical Perspective

Inside Human Rights

Confronting the Human Rights Act 1998

The Human Rights Act 1998 in Constitutional Context

This book critically examines the Human Rights Act 1998 (HRA) and evaluates its impact from a multi-disciplinary perspective. The book includes both a domestic and international analysis of the effectiveness of the HRA, and also considers possible future developments in policy and practise as well as contemplating the potential for a British Bill of Rights. The editors have collected pieces from contributors drawn from diverse spheres, all of whom are internationally recognised for their impact in the field of human rights law. Contributors include members of the bench in the United Kingdom and Australia, academics, researchers, members of NGOs, and campaigners as well as people's testimony of lived experiences in relation to the Human Rights Act. Valuable contributions from the likes of Costas Douzinas, Keith Ewing, Helen Fenwick, Lady Hale, Irene Khan, Michael Kirby, Francesca Klug, Peter Tatchell and others have resulted in a book which draws out the connections between legal framework, theory, and the actual experience of the protection afforded to groups and individuals by the HRA. Confronting the Human Rights Act 1998 will be of particular interest to scholars and students of Law, International Studies and Political Science.

This insightful book considers how the European Court of Human Rights (ECHR) is faced with numerous challenges which emanate from authoritarian and populist tendencies arising across its member states. It argues that it is now time to reassess how the ECHR responds to such challenges to the protection of human rights in the light of its historical origins.

The Human Rights Act 1998 had a profound effect on the law of the United Kingdom, and in no area more so than judicial review. This book gives practical

guidance on the interplay between the Act and domestic public law. Discusses the impact of recent European and British Human Rights legislation on religion in the United Kingdom.

Parliamentary Sovereignty and the Human Rights Act

Making Rights Real

Business and the Human Rights Act 1998

Tort Law and Human Rights

Human Rights Law

Criminal Justice and the Human Rights Act 1998

Business and the Human Rights Act 1998 focuses on the commercial implications of this groundbreaking Act, providing a thorough and authoritative treatment of the subject. The Act will allow companies, as well as individuals, direct access to certain of the guarantees contained in the European Convention on Human Rights. Businesses will therefore have a new weapon in challenging the actions of Government and other public authorities. Detailed consideration is also given in the text to the position of those companies which are themselves likely to be designated public authorities under the new legislation and which will potentially be exposed to claims under the Act. By reference to existing Convention case-law, the book assesses the practical implications of the Act for business and provides guidance on the new procedure for introducing human rights issues in domestic courts and tribunals. This book provides lawyers with the detail they need to advise on the risks and opportunities presented by the Act.

Human Rights in the UK An Introduction to the Human Rights Act 1998 Pearson Education

The Human Rights Act 1998 has had a profound effect in numerous private law decisions and has been the subject of extensive academic debate, in particular on the issue of the extent to which it has horizontal effect and its application in disputes between individuals. With contributions from a variety of academics and practitioners, this volume covers and contributes to the academic debate on horizontal effect and considers how theory matches up with case law; the limits of the Act for private law; and its impact on key areas including privacy, defamation, negligence, nuisance, property, commercial law and employment. Together, the book provides a practical critique of the areas discussed, which will be of academic interest to theorists and of practical benefit to lawyers and judges who wish to understand how the academic debates can be brought to bear in particular cases.

Judicial Reasoning under the UK Human Rights Act is a collection of essays written by leading experts in the field, which examines judicial decision-making under the UK's de facto Bill of Rights. The book focuses both on changes in areas of substantive law and the techniques of judicial reasoning adopted to implement the Act. The contributors therefore consider first general Convention and Human Rights Act concepts – statutory interpretation, horizontal effect, judicial review, deference, the reception of Strasbourg case-law – since they arise across all areas of substantive law. They then proceed to examine not only the use of such concepts in particular fields of law (privacy, family law, clashing rights, discrimination and criminal procedure), but also the modes of reasoning by which judges seek to bridge the divide between familiar common law and statutory doctrines and those in the Convention.

A Practical Guide

A Guide to the Human Rights Act 1998

Judicial Reasoning under the UK Human Rights Act

A United Kingdom Perspective

Blackstone's Guide to the Human Rights Act 1998

Healthcare Law: Impact of the Human Rights Act 1998

The Human Rights Act 1998 imposes radical changes on UK law and practice: all statutes have to be reinterpreted to read in human rights, all public authorities (including the courts) have to comply with the European Convention on Human Rights - there is a new right of action against those who fail to do so - and breach of a Convention right is a defence in criminal and civil proceedings. The Act incorporates into UK law not only the Convention itself, but also the extensive case-law of the European Court and Commission of Human Rights.

The new Human Rights Act 1998 will affect a wide range of legal areas including police powers, criminal and civil rules of evidence and procedure, family law, planning, employment law, freedom of information, privacy, tax, education, environmental law, immigration and asylum, and electoral law. The Act brings with it a whole new European legal system with different rights, different courts, a new body of case-law and a legal status which differs from the status accorded to EC law.

The Human Rights Act 1998 has possibly had the biggest impact on the Scottish legal system, other than the Scotland Act itself, in recent history. This text contains an annotated copy of the Act. Tom Bingham was among the most influential judges of the twentieth century, having occupied in succession the most senior judicial offices, Master of the Rolls, Lord Chief Justice and Senior Law Lord, before retiring in 2008, at which point he devoted himself to the teaching of Human Rights Law, until his death in September 2010. His judicial and academic work has deeply influenced the development of the law in a period of substantial legal change. In particular his role in establishing the new UK Supreme Court, and his views on the rule of law and judicial independence left a profound mark on UK constitutional law. He was also instrumental in championing the academic and judicial use of comparative law, through his judicial work and involvement with the British Institute of International and Comparative Law. This volume collects around fifty essays from colleagues and those influenced by Lord Bingham, from across academia and legal practice. The essays survey Lord Bingham's pivotal role in the transformations that took place in the legal system during his career.

Disabled people and European human rights

Rights Brought Home

Tom Bingham and the Transformation of the Law

What It Means : The Incorporation of the European Convention on Human Rights Into the Legal Order of the United Kingdom

Sceptical Essays on Human Rights

This collection, written by an array of international scholars, raises serious and profound concerns about the entrenchment of human rights generally and into UK law in particular. This is the only book on the market to take a sceptical approach to recent developments in human rights law. Written throughout in an engaging and accessible style, this book is essential reading for all those with an interest in law or politics.

A guide to the impact on the criminal justice system of the introduction of the Human Rights Act 1998, which incorporates the European Convention on Human

Rights into UK law.

This is a completely revised and expanded second edition, building on the first edition with two principal aims: to elucidate the role that domestic tort principles play in securing to citizens the human rights standards laid down in the European Convention on Human Rights, including the new 'remedy' under the Human Rights Act 1998; and to evaluate tort principles for compliance with those standards. The first edition was written when the Human Rights Act 1998 was newly enacted and many questions existed as to its potential impact on tort law. Answers to many of the questions, which were raised at that time, are only now emerging. Therefore, the text has been updated to reflect these developments. Whether it is appropriate to attribute particular goals and functions to tort law is highly contested and the analysis begins by locating the discussion within these contemporary debates. The author goes on to examine the extent to which the action against public authorities under section 7 of the Act has impacted on the development of common law principles, as well as the issue of horizontal effect of the Act between non-state actors. New chapters include: 'A Human Rights Based Approach to Tort Law' and 'Public Authority Liability and Privacy – From Misuse of Private Information to Autonomy.'

Ten years after the passing of the Human Rights Act 1998, it is timely to evaluate the Act's effectiveness. The focus of *Making Rights Real* is on the extent to which the Act has delivered on the promise to 'bring rights home'. To that end the book considers how the judiciary, parliament and the executive have performed in the new roles that the Human Rights Act requires them to play and the courts' application of the Act in different legal spheres. This account cuts through the rhetoric and controversy surrounding the Act, generated by its champions and detractors alike, to reach a measured assessment. The true impact in public law, civil law, criminal law and on anti-terrorism legislation are each considered. Finally, the book discusses whether we are now nearer to a new constitutional settlement and to the promised new 'rights culture'.

The European Court of Human Rights

Enforcing the European Convention in the Domestic Courts

Central Themes and Principles

The Separation of Powers in the Contemporary Constitution

Understanding the Impact and Status of the Human Rights Act 1998 Within English Law

The European Convention on Human Rights, the Human Rights Act 1998 and Religion

"Media Freedom under the Human Rights Act provides the most comprehensive analysis to date of the impact of Article 10 ECHR, as received through the Human Rights Act 1998, on the substantive law governing freedom of expression in the media."--BOOK JACKET.

5. A Conference Book.

The first guide to planning and performing a physical penetration test on

your computer's security Most IT security teams concentrate on keeping networks and systems safe from attacks from the outside-but what if your attacker was on the inside? While nearly all IT teams perform a variety of network and application penetration testing procedures, an audit and test of the physical location has not been as prevalent. IT teams are now increasingly requesting physical penetration tests, but there is little available in terms of training. The goal of the test is to demonstrate any deficiencies in operating procedures concerning physical security. Featuring a Foreword written by world-renowned hacker Kevin D. Mitnick and lead author of The Art of Intrusion and The Art of Deception, this book is the first guide to planning and performing a physical penetration test. Inside, IT security expert Wil Allsopp guides you through the entire process from gathering intelligence, getting inside, dealing with threats, staying hidden (often in plain sight), and getting access to networks and data. Teaches IT security teams how to break into their own facility in order to defend against such attacks, which is often overlooked by IT security teams but is of critical importance Deals with intelligence gathering, such as getting access building blueprints and satellite imagery, hacking security cameras, planting bugs, and eavesdropping on security channels Includes safeguards for consultants paid to probe facilities unbeknown to staff Covers preparing the report and presenting it to management In order to defend data, you need to think like a thief-let Unauthorised Access show you how to get inside.

It is remarkable that 10 years after the Human Rights Act came into effect, and with further reform possible, there are still no clear answers to basic questions about the relationship between the Human Rights Act, human rights principles and the common law. Such basic questions include: what is the Human Rights Act? What is the relationship between human rights principles and common law doctrines in public law? Do traditional public law principles need to be replaced? How has the Human Rights Act altered the constitutional relationship between the courts, government and Parliament in the UK? Public Law After the Human Rights Act proposes answers to these questions. Unlike other books on the Human Rights Act, the book looks beyond the Human Rights Act itself to its effect on public law as a whole. The book articulates in novel ways the relationship between the Act and administrative and constitutional law. It suggests that the Human Rights Act has built on the common law constitution. The discussion focuses on core topics in modern public law, including, the constitutional status of the Human Rights Act; the relationship between human rights and the common law; the Human Rights Act's effect on central doctrines of public law such as reasonableness, proportionality and process review; the structure of public law in the human rights era; derogation and emergencies; and the right of access to a court. Winner of

the Inner Temple Young Author Book Prize 2011.

The Human Rights Bill

Family Law and the Human Rights Act 1998

The Impact of the UK Human Rights Act on Private Law

Unauthorised Access

The Common Law, the Rule of Law, and Human Rights

Public Law after the Human Rights Act