

The Human Rights Act 1998

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.

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 p.

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.

Is there universalism of human rights? If so, what are its scope and limits? This book is a doctrinal attempt to define universalism of human rights, as well as its scope and limits. The book presents tests of universalism on international, regional and national constitutional levels. It is maintained that universalism of human rights is both a ‘concept’ and a ‘normative reality’. The normative character of human rights is scrutinized through the study of international and regional agreements as well as national constitutions. As a consequence, limitations of normativity are identified, usually on the international level, and take the form of exceptions, reservations, and interpretations. The book is based on the General and National Reports which were originally presented at the 18th International Congress of the International Academy of Comparative Law in Washington D.C. 2010.

The Human Rights Act 1998

Human Rights and Civil Liberties

The Human Rights Act 1998 and the European Convention

Critically Examining the Case Against the 1998 Human Rights Act

Business and the Human Rights Act 1998

Constitutional Review under the UK Human Rights Act

The Human Rights Act is a major landmark in the British legal system. In law it will have a profound effect on services for children. How can you be sure to use the Act in the best interests of children and young people?

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.

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.

Unlocking Human Rights will ensure that you grasp the main concepts of this fascinating and dynamic area of law with ease, providing you with an indispensable foundation in the subject. The book explains in detailed, yet straightforward, terms:
• The nature of human rights
• European Convention on Human Rights
• Human Rights Act
• Right to life
• Torture, inhuman or degrading treatment or punishment
• Public order, police powers, freedom of association and assembly
• Right to a fair trial
• Freedom of expression
• Privacy, private life and marriage
• Right to liberty and security
• Prohibition of discrimination
• Terrorism
• Freedom of thought, conscience and religion
• Property rights
• Contemporary themes of UN human rights review of the UK, constitutional reform, and security
The book provides practical knowledge to help you apply the understanding of these themes and explains:
• Rights concepts and language
• How the Convention and Human Rights Act operate
• Ways in which applicants use the procedures to remedy injustices when domestic UK law has let them down
• What kinds of protection are available to everyone within the UK ’s jurisdiction
• How a balance is struck between the need to protect many different kinds of right in the modern world, with the equally important need to protect everyone from external threats
• Why it is vital that essential freedoms of thought, conscience, religion, association, assembly and expression are protected
• How the ‘rights’ which everyone claims as their own have to be balanced against the qualifications or restrictions that are imposed to protect other people ’s interests
This new volume is fully up-to-date with the latest changes in the law and includes discussion of essential developments, including the Protection of Freedom Act 2012, Marriage (Same Sex Couples) Act 2013 and the Succession to the Crown Act 2013.

Current Challenges in Historical Perspective

Parliaments and Human Rights

Making Rights Real

The European Court of Human Rights

Parliamentary Sovereignty and the Human Rights Act

The Universalism of Human Rights

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.

Under the Human Rights Act, British courts are for the first time empowered to review primary legislation for compliance with a codified set of fundamental rights. In this book, Aileen Kavanagh argues that the HRA gives judges strong powers of constitutional review, similar to those exercised by the courts under an entrenched Bill of Rights. The aim of the book is to subject the leading case-law under the HRA to critical scrutiny, whilst remaining sensitive to the deeper constitutional, political and theoretical questions which underpin it. Such questions include the idea of judicial deference, the constitutional status of the HRA, the principle of parliamentary sovereignty and the constitutional division of labour between Parliament and the courts. The book closes with a sustained defence of the legitimacy of constitutional review in a democracy, thus providing a powerful rejoinder to those who are sceptical about judicial power under the HRA.

In light of recent criticism of the EU and Strasbourg, Mary Arden makes an invaluable contribution to the debate on transnational courts and human rights. Drawing on years of experience as a senior judge, she explains clearly how human rights law has evolved, and the difficult balances that judges have to strike when interpreting it.

In many countries today there is a growing and genuinely-held concern that the institutional arrangements for the protection of human rights suffer from a 'democratic deficit'. Yet at the same time there appears to be a new consensus that human rights require legal protection and that all branches of the state have a shared responsibility for upholding and realising those legally protected rights. This volume of essays tries to understand this paradox by considering how parliaments have sought to discharge their responsibility to protect human rights. Contributors seek to take stock of the extent to which national and sub-national parliaments have developed legislative review for human rights compatibility, and the effect of international initiatives to increase the role of parliaments in relation to human rights. They also consider the relationship between legislative review and judicial review for human rights compatibility, and whether courts could do more to incentivise better democratic deliberation about human rights. Enhancing the role of parliaments in the protection and realisation of human rights emerges as an idea whose time has come, but the volume makes clear that there is a great deal more to do in all parliaments to develop the institutional structures, processes and mechanisms necessary to put human rights at the centre of their function of making law and holding the government to account. The sense of democratic deficit is unlikely to dissipate unless parliaments empower themselves by exercising the considerable powers and responsibilities they already have to interpret and apply human rights law, and courts in turn pay closer attention to that reasoned consideration. 'I believe that this book will be of enormous value to all of those interested in human rights, in modern legislatures, and the relationship between the two. As this is absolutely fundamental to the characterand credibility of democracy, academic insight of this sort is especially welcome. This is an area where I expect there to be an ever expanding community of interest.' From the Foreword by the Rt Hon John Bercow MP, Speaker of the House of Commons

Public Law after the Human Rights Act

Common Law and the Human Rights act 1998

Judicial Reasoning under the UK Human Rights Act

A Year on

The Human Rights Bill

Property and the Human Rights Act 1998

"We are introduced to the meaning and scope of human rights and civil liberties, the reasons for their recognition and enforcement, the machinery available for redress and, equally importantly, the reasons why such rights and liberties need to be restricted and the limitations thereof. These themes form the basis of the first Part of the text. Specific areas of civil liberties, such as freedom of expression, privacy and prisoners' rights, are studied in that context in the second Part, allowing the student to appreciate the tension between human rights and civil liberties and their legal protection, and to develop an understanding of the techniques used in domestic and international law to balance such liberties with other rights and interests."--BOOK JACKET.

Critically Examining the Case Against the 1998 Human Rights ActRoutledge

Revision of thesis (Doctoral)- London School of Economics, 2010.

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.

Sceptical Essays on Human Rights

The Evolution of the European Convention on Human Rights

Unauthorised Access

The Universal Declaration of Human Rights

Tort Law and Human Rights

This timely and provocative book probes the extent to which the HRA is guaranteeing rights and whether it is transforming the legal landscape.

Tom Bingham is 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, currently, Senior Law Lord. 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 have left a profound mark on UK constitutional law. He has also been 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 have taken place in the legal system during his career.

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.

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.'

Redressing the Democratic Deficit

Understanding Human Rights Principles

Media Law and Human Rights

Physical Penetration Testing For IT Security Teams

A Liber Amicorum

How the Human Rights Act is Working and for Whom

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.

Human rights are brought to life by a number of defining principles. This text explores each of those principles in depth through comprehensive, informative and provocative papers written by prominent and distinguished practitioners and legal academics. These papers were first delivered at a series of seminars organized by JUSTICE and University of College, London. Contents include Ensuring Legality: is it an interference in accordance with the law?; Proportionality and the doctrine of the margin of appreciation; Positive obligations: pro-actively protecting rights; Consequences for horizontal application of rights; Identifying a civil right; and What is "Necessary in a Democratic Society".

On 4 November 2010 the European Convention on Human Rights Celebrated its sixtieth anniversary. It has undergone a spectacular evolution since its creation in 1950. In recent times the European Court of Human Rights has been compared to a quasi-constitutional court for Europe in the field of human rights, and for some time the Convention has been viewed as a European Bill of Rights. The `coming of age' of the ECHR system in the late 1990s was marked by the entry into force of Protocol 11, creating a new, full-time Court. By contrast, those who first proposed a European human rights guarantee were driven by an ambition to put a place in collective pact to prevent the re-emergence of totalitarianism in `free' Europe. They were motivated by the memory of World War Two and the protection of human rights was seen in that light. When the Convention was opened for signature in 1950 it was viewed by many with scepticism and disappointment. The Convention system took many years to get established. In the mid-1960s doubts were expressed as to whether the Court had a future, and in the 1970s the Convention system of control faced a number of serious challenges. This book mainly focuses on the story of the evolution of the Convention during its first fifty years (up to 1998), although there is also a final chapter on the post-1998 situation. It reflects on the Convention's origins and charts the slow progress that it made during the 1950s and 1960s, before, in the late 1970s, the European Court of Human Rights delivered a series of landmark judgments which proved to be the foundation stones for the European Bill of Rights that we know today.

An invaluable compendium of the Parliamentary debates on one of the most far reaching pieces of legislation this century – The Human Rights Act 1998. It is essential reading for those taking cases under the Act or interested in the development of human rights. As well as setting out the Government's intention for each section of the Act in an accessible format, this book is also a good read. Key issues include: *Pepper v Hart* statements on interpretation of the Human Rights Act; Underlying principles of the Human Rights Act

Central Themes and Principles

Human Rights and European Law

Building New Legal Orders

Statutory Interpretation and Human Rights

An Introduction to the Human Rights Act 1998

Blackstone's Guide to 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.

Seminar paper from the year 2003 in the subject Law - Comparative Legal Systems, Comparative Law, grade: 62%, Cardiff University (Großbritannien; Law School), course: English Legal System, language: English, abstract: The most important piece of British legislation with regard to Human Rights is undoubtedly the Human Rights Act 1998. The Act, in force since 2 October 2000, incorporated the European Convention on Human Rights¹ into British law and constitutes one of the most controversial legislative creations enacted by the Westminster Parliament in its impressive history. Rancorous opponents have described the Act as a “plot to undermine Parliament and make Britain subservient to the European Union”, nothing more than a “complainers charter” and a “bonanza for lawyers.”² Proponents counter and say that the 1998 Act will advance the cause of liberty and check the power of Britain’s over-mighty executive.³ Whatever the reader considers to be true, it is indisputable that the Human Rights Act 1998 is a huge constitutional innovation with a crucial impact on Britain’s legal system. Consequently, the present Lord Chancellor, Lord Irvine of Lairg, called it “a constitutional landmark” which “would be a point of reference for generations to come.”⁴ This essay will identify and analyse the most significant affects of Britain’s new human rights legislation. For that purpose it is first necessary to outline the historical development of human rights in the United Kingdom and to describe how these rights could have been enforced before the Human Rights Act 1998 came into force (Part A.) When considering this, attention will also be drawn to Britain’s political environment and its role in the development of international human rights instruments. Part B of this paper is then concerned with the question, of the approach taken by the British government in incorporating the ECHR, and how the concept of the Human Rights Act 1998 works in practice. The most significant impacts of the new Act will be examined in Part C.

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.

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.

Enforcing the European Convention in the Domestic Courts

Tom Bingham and the Transformation of the Law

The Parliamentary Debates on the Human Rights Bill

Children and the Human Rights Act 1998

Judicial Competence and Independence in the United Kingdom

What in your opinion, has been the most significant impact of the incorporation of Human Rights legislation into British law?

Britain's Human Rights Act of 1998 is the latest in a wave of legislative and constitutional instruments that put human rights at the top of the public law agenda. These instruments are widely welcomed by senior judges and by academic and practicing lawyers, many of whom have campaigned for their introduction. Other parties, however, have expressed doubts about the wisdom of these developments. In this collection of essays, contributors skillfully explore these reservations.

Accurate and accessible, Concentrate guides enable you to take exams with confidence. Including revision tips and advice for extra marks, alongside a thorough and focussed breakdown of the key topics and cases, this guide will help you to get the most out of your revision and to maximise your performance in exams.

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 annual McPherson Lecture Series, inspired by the famous Hamlyn Lecture Series in England, hosts a celebrated international scholar or legal expert to deliver a series of three lectures. In this, the third, volume, The Honourable James Jacob Spigelman, considers the theme of statutory interpretation and human rights. The first of the these lectures, 'The Common Law Bill of Rights', considers the principles of the law of statutory interpretation which constitute, in substance, a common law bill of rights. The second lecture, 'The Application of Quasi-constitutional Laws', considers the developing jurisprudence of the application of the special interpretive provision in human rights legislation and how the principles of statutory interpretation are applied to legislation of this character. The final lecture, 'Legitimate and Spurious Interpretation', considers the difficulties posed for interpretation by the need to balance conflicting human rights and the limits of interpretation. These thought-provoking and timely essays tackle an important and controversial area of law, that has real repercussions for the reputation of the law, the role of judges and the independence of the court system in Australia.

An Institutionally Sensitive Approach

Judicial Review & the Human Rights Act

The Human Rights Act 1998 in Constitutional Context

Rights Brought Home

The Separation of Powers in the Contemporary Constitution

From Its Inception to the Creation of a Permanent Court of Human Rights

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'.

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.

Media Law and Human Rights presents and addresses everything a media law practitioner needs to know about the impact of the Human Rights Act 1998 on the practice of this specialised area of the law.

Legislating for Human Rights

Healthcare Law: Impact of the Human Rights Act 1998

The Human Rights Act in its First Decade

Proportionality and Deference Under the UK Human Rights Act

Law Revision and Study Guide

Delivering Rights