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"Constitutional and Administrative Law", Anthony Bradley, Keith Ewing, [b. m.] 2011 : [recenzja]

Silesian Journal of Legal Studies 3, 115-118

2011

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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ANTHONY BRADLEY, KEITH EWING:
CONSTITUTIONAL AND ADMINISTRATIVE LAW.
15th edition, Longman, 2011
Paperback, p. 880, ISBN 978-1405873505

Written by two experts in the field, *Constitutional and Administrative Law* is highly regarded for its comprehensive and authoritative coverage of this rapidly changing area of the law. *Constitutional and Administrative Law* continues to be the leading text recommended for undergraduate and postgraduate courses in the UK, and is relied on by practising lawyers, politicians, political scientists and public administrators, both in the United Kingdom and beyond. This edition is the product of a long-standing collaboration between its two authors. Anthony Bradley was the Professor of Constitutional Law at the University of Edinburgh before becoming a practising barrister in London. From 2002–2005 he was a legal adviser to the House of Lords Committee on the Constitution. His publications include Janis, Kay and Bradley, *European Human Rights Law: Text and Materials* (3rd edition, 2008). Keith Ewing has been the Professor of Public Law at King's College London since 1989, having taught previously at Edinburgh and Cambridge universities. His books in the field of civil liberties, electoral law and labour law include *The Cost of Democracy* (2007), and *Bonfire of the Liberties* (2010).

The wide-ranging constitutional reforms which have characterised much of the Labour government since 1997 have not slowed since the publication of the previous edition in 2006. In the new fifteenth edition, the authors analyse these changes while maintaining a focus on essential legal principles bringing detailed analysis and illuminating insight to students of constitutional and administrative law.

This new edition of *Constitutional and Administrative Law* maintains its reputation as the leading text in this dynamic area of the law. The book provides an authoritative account of the public law of the United Kingdom, on which depend the powers of the state, the work of government, and the liberties of the individual. The authors focus on essential principles, and throughout adopt a readable and well-illustrated approach. Full references to primary sources, books and scholarly articles provide an invaluable basis for studying the current law and a platform for research.

Since the election of the Labour government in 1997, Britain's constitutional landscape has been characterised by wide ranging reforms. The authors now tackle the task of analysing the many changes that have occurred since 2001, including:

- The Constitutional Reform Act 2005, and its implications for the judges and the structure of justice
- The wave of case law stemming from the Human Rights Act and the European Convention of Human Rights;
- New legislation empowering the government to respond to national emergencies and hold public inquiries into issues of public concern;
- Developments relating to the 'war on terror', and the potential conflict between anti-terrorist legislation and traditional liberties;
- Changes in asylum, extradition and immigration law;

- Developments in the European Union, including expansion of the EU and the EU Charter of Fundamental Rights;

In October 2009, the new Supreme Court of the United Kingdom opened for business, in a building at Westminster that had formerly been the Middlesex Guildhall but converted and refurbished to provide a fitting home for the most senior court in the land. This, however, did not mark a dramatic change in the constitutional law of the United Kingdom, the appellate jurisdiction of these twelve senior judges remaining essentially the same as when justice was dispensed by them in the House of Lords.

In May 2010, a keenly fought general election produced an outcome which disappointed each of the three main parties. Labour lost the majority in the House of Commons which it had enjoyed for 13 years, the Conservatives failed to win a controlling majority in the Commons, and the Liberal Democrats secured fewer seats than favourable opinion polls had suggested was possible. The result within a week was the formation of the first peace-time coalition government for eighty years, with the presence of two political parties round the Cabinet table and in the corridors of Whitehall making it necessary to reconsider many traditional practices in the fields of government and politics.

These two events (the creation of the Supreme Court and the formation of a coalition government) provide very different illustrations of constitutional change in the United Kingdom: the former being a significant change in law, but with little direct impact on constitutional practice; the latter being a radical change in constitutional and political practice, but without any necessary change in the law. By contrast with both these events, the cataclysmic affair of parliamentary expenses that occurred in the summer of 2009 had profound effects on the law relating to MPs, with the enactment of the Parliamentary Standards Act 2009 and its early amendment in 2010. The affair also led to many changes in the public's attitude to Parliament, and in the conduct of MPs and the political parties.

In this new edition, the authors include material dealing with the most significant developments in the United Kingdom's public law since 2006. The period they cover was intended to last until the end of 2009, but in some chapters they have been able to include an indication of later events that occurred before Parliament was dissolved in April 2010. Developments since 2006 have caused every chapter to be revised and in parts rewritten. These include the continuing interplay between the operation of laws against terrorism and the protection of fundamental rights, the clash between official secrecy and the cause of justice in respect of torture and inhuman treatment, the continuing effects within the United Kingdom of EU law and European human rights law, the strain imposed on the electoral system by the extent to which political parties depend on funding from wealthy individuals, the creation for the first time of a system of tribunals affecting potentially the whole of government, the effects of the financial crisis and the government's forced entry into the business of banking, and changes in the law relating to the armed forces with the introduction of a unified code for the armed services.

The authors' aim, as in previous editions, has been to provide an informed overview of the most significant judicial decisions, new legislation by Parliament, and changing practices in government. They have tried to maintain a balance that reflects the evolution of public law while also bringing recent events into focus. In this edition, it has been given some priority to restricting the strong tendency that the book has of growing longer with every new edition. In some areas the text has been reduced a little

and the amount of detail pruned, in order to ensure that the central purposes of the book remain clear.

As in previous editions, the authors have joint responsibility for the whole book, but chapters 1–7, 11, 15, 20 and 27–32 have been revised by A. Bradley and all other chapters by K. Ewing. *Case references* are where possible to the main Law Reports; for cases since 2001, the footnotes include the neutral case citations. It is worth to draw attention to the Case Navigator system, details of which are given in the inside cover, and which it is hoped may encourage readers of the book to go on the read and analyse the leading decisions of the courts on which much of the law is founded. The aim of the *bibliography* is not to provide a comprehensive list of all publications on the public law of the United Kingdom, but simply to provide a convenient list of published books that are cited in the text: it does not include entries for periodicals or official publications, committee reports etc.

Three related themes underlie this book. First there is the tradition that the unwritten constitution of the UK is uncoordinated and relies on informal practices generated by a circle of ‘insiders’ selected by the government of the day who can therefore easily be manipulated. This can be set against the claim that a constitution should provide an external framework that constrains the power of temporary administrations. The constitutional reforms that have taken place during the last few years have been spasmodic, uncoordinated and relatively minor. They have not seriously addressed the most fundamental problem of the constitution which is the concentration of power in the executive supported by a network of professional, family and business relationships and with little or no power at local level. Of these reforms the most dynamic and democratic are probably the devolution arrangements for Scotland, Wales and Northern Ireland. The Human Rights Act 1998 is also important (but not necessarily for the better) in that it has to some extent strengthened the loose system of checks and balances that holds the constitution together by encouraging an independent judiciary to enter into the political sphere, combating the ‘elective despotism’.

The second theme is the tension between ‘legal’ (in the sense of decisions made by our relatively independent judiciary) and ‘democratic’ controls over government. The Human Rights Act has become a platform from which judges sometimes make grand pronouncements about such matters as democracy, freedom, equality and liberalism. All these notions are highly uncertain and controversial and the Human Rights Act has revealed strong ideological differences within the judiciary as evidenced by frequent dissents. Therefore the third theme is the importance in a free society of keeping alive different points of view and not attempting to impose any particular orthodoxy on the people.

Part I (*General Principles of Constitutional Law*) concerns general principles. These include basic constitutional concepts and issues, a broad account of the moral and political ideals that have influenced the constitution and the sources of the constitution (Chapters 1 and 2). Chapter 3 concerns the relationship between the central state, its citizens and the subordinate units of the UK, including legal issues relating to dependent territories. Pervasive legal values and doctrines (parliamentary supremacy and the rule of law) are considered in Chapters 4 to 7 and Chapter 8 outlines the main principles of European Community law as far as they affect the UK constitution.

Part II (*The Institutions of Government*) is concerned with the powers of the central government institutions and the relationship between them (composition and meeting

of Parliament, functions of Parliament, privileges of Parliament, the Crown and the royal prerogative, the Cabinet, government departments and the civil service, public bodies and regulatory agencies, foreign affairs and the Commonwealth, the armed forces, the Treasury, public expenditure and the economy, the courts and the machinery of justice).

Part III (*The Citizen and the State*) consists of Human Rights both generally and in relation to selected topics that particularly relate to the political freedoms that underpin democracy. These include freedom of expression and assembly, secrecy and national security.

Part IV (*Administrative Law*) deals with judicial review of government action, the core of Administrative Law (the nature and development of administrative law, delegated legislation, administrative justice, judicial review of administrative action and liability of public authorities and the Crown).

The classic text, now in its fifteenth edition, provides an authoritative account of a challenging and fastmoving subject – the public law of the United Kingdom. Written in a clear and accessible style, illustrated by examples and supported throughout by references for further reading from a wide range of sources, the book analyses the unwritten constitution, the institutions of government, and the relationship between the citizen and the state.

The new edition deals with numerous developments in public law since the previous edition (the clash between new laws against terrorism and protection of human rights under the Human Rights Act 1998; the impact on the political parties of the Political Parties and Elections Act 2009; changes in the law affecting MPs, following the revelations in 2009 about their expenses; impact of the Lisbon Treaty on national law; creation of the Supreme Court and of a comprehensive system of tribunals; effects of the global financial crisis and the government's entry into the business of banking).

“The text provides a clear, succinct, reliable and authoritative guide to the study of constitutional and administrative law. It helps the diligent student to bring structure and order to the breadth of primary and secondary material, whilst also providing insights for those more experienced in the subject.” (Angus Johnston, Senior Lecturer, University of Cambridge).

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