



supplement

LA1020/2650020 Public law

LLB

July 2011: third supplement to the 2007 subject guide. This replaces the first two supplements.

The **Public law** subject guide was published in 2007. When it was published the primary textbook was the sixth edition of Barnett's *Constitutional and Administrative Law*. Details of books and Essential Reading references given in the subject guide are to the sixth edition of the primary textbook. The textbook, however, is now in its ninth edition.

- Barnett, H. *Constitutional and administrative law*. (Abingdon, Oxon: Routledge, 2011) ninth edition [ISBN 9780415611084].

Throughout this supplement, this book will be referred to as 'Barnett'.

The purpose of this supplementary material is to provide the correct page numbers and references, and also to provide some information on recent developments.

Chapter 1: Introduction

Page 11

Primary textbook

There is a new edition of Barnett:

- Barnett, H. *Constitutional and administrative law*. (Abingdon, Oxon: Routledge, 2011) ninth edition [ISBN 9780415611084].

Throughout this supplement, this book will be referred to as 'Barnett'.

Important supplementary texts

There is a new edition of Thompson and Allen:

- Thompson, B. and M.J. Allen *Cases and materials on constitutional and administrative law*. (Oxford: Oxford University Press, 2011) tenth edition [ISBN 9780199579044].

Page 13

Page references to Barnett under point 4 should be pp.271–275.

Chapter 2: Characteristics of the UK constitution

Page 23

The Essential Reading is Barnett, pp.4–14.

Page 26

Note that the section on the evolution of the structure of the United Kingdom is no longer in Barnett. Instead you should read the Supplementary Reading in the study pack as stated on page 26 of the subject guide.

Page 28

The government's proposals of July 2007 are set out towards the bottom of the page. You should note that these proposals – much amended and diluted – are now law, having been enacted in the Constitutional Reform and Governance Act 2010. On this Act – which you can access via Parliament's website www.parliament.uk – you should read the May 2010 Newsletter on the VLE.

Chapter 3: Sources of the Constitution

Page 36

The Essential Reading is Barnett, Chapter 2, pp.34–43.

Page 38

The Essential Reading is Barnett, Chapter 11, pp.221–236.

Chapter 4: The separation of powers

Page 44

The reference to the quote at the top of the page is Barnett, p.72.

Under Essential Reading, the textbook chapter reference is Barnett, Chapter 4.

Page 46

The Essential Reading is Barnett, pp.75–78 and Chapter 25, pp.603–608.

Page 48: 4.2.2.

The chapter references are to Barnett, Chapters 23–25.

Chapter 5: The rule of law

Page 57: 5.1

The Essential Reading is Barnett, Chapter 3, pp.48–70.

Page 58: 5.2

The Essential Reading is Barnett, pp.221–236.

Page 59: 5.3

The Essential Reading is Barnett, pp.61–69.

Page 62: 5.4

The Essential Reading is Barnett, pp.64–68.

Page 64: 5.4.2

Barnett, pp.67–68.

Under 'Reflection Point', note that the relevant pages are Barnett, pp.67–68.

Chapter 6: The royal prerogative

Page 68

The Essential Reading is Barnett, Chapter 5.

Page 71: 6.2.1

The Essential Reading is Barnett, Chapter 5, pp.93–95, together with further material on the companion website to the textbook.

Page 72: 6.2.2

The Essential Reading is Barnett, Chapter 5, pp.107–111.

Page 75: 6.3

The Essential Reading is Barnett, Chapter 5, p.112. See also the May 2010 Newsletter on the Constitutional Reform and Governance Act 2010.

Chapter 7: Parliamentary sovereignty

Page 81: 7.1.1

The Essential Reading is Barnett, Chapter 6, p.115.

On political sovereignty and the theories of Hobbes, Rousseau, Locke and Paine see now the companion website to the textbook.

7.1.2

The Essential Reading is Barnett, Chapter 6, pp.117–118.

7.1.4

The Essential Reading is Barnett, Chapter 6, pp.122–123.

Page 87: 7.3

Under Contemporary issues and sovereignty, you should now note the Parliamentary Standards Act 2009, discussed in Barnett, pp.380–381.

Chapter 8: The structure of government

Page 92

The Essential Reading is Barnett, Chapters 9, 10 and 11.

NOTE that devolution and local government are no longer examined as separate topics. However, they remain relevant in relation to the structure of the United Kingdom and the concept of central government and the sovereignty of Parliament.

Page 95: 8.2

The Essential Reading is Barnett, Chapter 10.

Page 96: 8.2.1

Under Activities, the reference is now to Barnett, p.228.

8.2.3

Arms to Iraq is now discussed in Barnett, pp.232–235.

Page 97: 8.5

The Butler Inquiry is discussed in Barnett, pp.235–236.

Under Official Inquiries, you should now also consider the Chilcot Inquiry established in 2009 to examine the United Kingdom's involvement in the 2003 Iraq War. The Inquiry (which at the time of writing is ongoing) is discussed briefly in Barnett, p.236. The Inquiry website is www.iraqinquiry.org.uk

Page 98: 8.3.1

You should note that the Constitutional Reform and Governance Act 2010 now provides a statutory basis for the Civil Service. On this see Barnett, p.210.

Page 100: 8.4.3

The reading reference is Barnett, pp.257–265.

8.4.4

The reading reference is Barnett, pp.254–257.

Page 101: 8.5.1

The reading reference is Barnett, pp.242–247.

Under Activity 8.9, the reference is now to Barnett, p.243.

8.5.2

The reading reference is Barnett, pp.247–250.

Page 102: 8.5.3

The reading reference is Barnett, pp.250–254.

Chapter 9: The House of Commons

Page 107: 9.1.1

The Essential Reading is Barnett, Chapter 13.

NOTE that there is a typographical error on page 107: the number of Members of Parliament was 646 (not 464). As at 2011 it is 650, although the government intends to reduce the number of Members of Parliament to 600 before the 2015 general election.

Page 109: 9.2

The Essential Reading is Barnett, Chapter 14, pp.308–320.

The reference to Private Members' Bills is Barnett, pp.314–315.

Page 110: 9.3

The Essential Reading is Barnett, Chapter 15.

9.3.1

At the end of the first paragraph, the pages references are Barnett, pp.327–329.

Chapter 10: the House of Lords**Page 119**

The Essential Reading is Barnett, Chapter 16, pp.342–362.

Page 120

The Essential Reading is Barnett, pp. 352–355. On the Hunting Act 2004, the reference is now Barnett, pp. 354–355.

Page 121: 10.3

The Essential Reading is Barnett, pp.358–362.

Chapter 11: Electoral law**Page 127**

The Essential Reading is Barnett, Chapter 12, pp.271–275.

Page 128

The Essential Reading is Barnett, Chapter 12, pp.275–277.

Page 129: 11.3

The Essential Reading is Barnett, Chapter 12, pp.283–286.

11.3.2

The Essential Reading is Barnett, Chapter 12, pp.279–283.

Page 130

The Essential Reading is Barnett, Chapter 12, pp.286–293.

You should note that the May 2010 general election resulted (unusually) in no one political party having a clear majority of seats. The result was the first coalition government (formed by the Conservative Party and Liberal Democrat Party) for over sixty years. The government introduced legislation to enable a referendum to be held in May 2011, asking the voters whether or not they favour the introduction of the Alternative Vote system for future general elections. The result of the referendum was a resounding 'No'. Accordingly, the Simple Majority System ('First Past the Post') will be retained for general elections.

Chapter 12: Parliamentary privileges and standards**Page 134**

The Essential Reading is Barnett, Chapter 17.

Page 136: 12.2.2

The Essential Reading is Barnett, Chapter 17, pp.365–373.

Page 137: 12.2.3

The Essential Reading is Barnett, Chapter 17, p.374; pp.386–387.

Page 138

The Essential Reading is Barnett, Chapter 17, pp.374–375.

Page 139

The Essential Reading is Barnett, Chapter 17, pp.375–386.

You should note that in 2009 there was a scandal involving abuse of the system of allowances and expenses for Members of Parliament. This resulted in the Parliamentary Standards Act 2009. The Act is discussed in Barnett, pp.380–381. See also the VLE for the Public Law Newsletters for June, July and August 2009 and Recent Developments for more details on this development.

Page 141

The Essential Reading is Barnett, Chapter 17, p.380; pp.384–385.

Chapter 13: The European Union

Page 146

The Essential Reading is Barnett, Chapter 7.

The most important recent development is the signing and ratification of the Treaty of Lisbon 2007 and it is essential that you familiarise yourself with the major provision of the Treaty. On this see the Barnett, Chapter 7 pp.153–155.

You should note that the Lisbon Treaty renames the EC Treaty the Treaty on the Functioning of the European Union (TFEU) and that this Treaty, together with the Treaty on European Union (TEU) now form the legal basis for the European Union. The Treaty also renumbers most of the Treaty Article numbers. It is also important to note that the Lisbon Treaty removes all references to the European Community and that future references are solely to the European Union, with the consequence that references to EC law now become references to EU law.

Page 151: 13.3

The Essential Reading is Barnett, Chapter 7.

13.3.1

The reading reference is Barnett, Chapter 7, pp.148–150.

Page 153

The Essential Reading is Barnett, Chapter 7.

Chapter 14: Sources of EU law and the interaction between EU and domestic law

Page 162

The Essential Reading is Barnett, Chapter 8.

Page 164

The Essential Reading is Barnett, Chapter 8, pp.175–180.

Page 165

The Essential Reading is Barnett, Chapter 8, pp.180–183.

Page 167

The Essential Reading is Barnett, Chapter 8, pp.187–193.

Chapter 15: The European Convention on Human Rights and the Human Rights Act 1998

Page 173

The Essential Reading is Barnett, Chapters 18, 19 and 20, pp.394–481.

Page 177

The Essential Reading is Barnett, Chapters 18, 19 and 20, pp.399–481.

Page 178

The Essential Reading is Barnett, Chapters 18 and 19, pp.399–481.

NOTE that the European Convention and Human Rights Act are discussed in Chapter 18. However, because freedom of expression (Article 10 of the European Convention) and freedom of association and assembly (Article 11 of the European Convention) have a distinctive body of domestic statute and case law, they require more intensive discussion than is possible in Chapter 18. Accordingly, freedom of expression is discussed in Chapter 19, and freedom of association and assembly is discussed in Chapter 20.

It is very important that you read all three chapters in order to gain a complete picture of the protection given by the Convention, the Human Rights Act and the pre-existing domestic law on freedom of expression and freedom of association and assembly.

Chapter 16: Civil liberties and public order law

Page 185: 16.1.1**Equality and freedom from discrimination**

NOTE that freedom from discrimination is no longer examined. It remains, however, an important aspect of individual rights and freedoms.

Please note that the Equality Act 2010 harmonises the existing law within a single Act. When fully in force the Act will repeal:

- ▶ The Equal Pay Act 1970
- ▶ The Sex Discrimination Act 1975
- ▶ The Race Relations Act 1976
- ▶ The Disability Discrimination Act 1995
- ▶ Various Regulations

The Equality Act 2006 will remain in force in relation to the Equality and Human Rights Commission, and the Disability Discrimination Act will remain in force in relation to Northern Ireland.

Page 186: 16.1.2

The Essential Reading is Barnett, Chapter 19, pp.440–463.

16.1.3

Note the following page changes:

- ▶ Defamation: Barnett, pp.442–445
- ▶ Sedition – undermining the state is mentioned in: Barnett, p.445
- ▶ Racial hatred: Barnett, p.445–446
- ▶ Breach of the peace: Barnett, pp.467–469
- ▶ Pornography: Barnett, pp.446–450
- ▶ Restrictions on broadcasting: Barnett, pp.448–449
- ▶ Corruption of public morals: Barnett, pp.449–450
- ▶ Contempt of court: Barnett, pp.450–453
- ▶ Confidentiality: Barnett, pp.454–461
- ▶ Terrorism: Barnett, Chapter 22.

Note that Blasphemy is no longer an offence: see Barnett, p.450.

Page 187

Note that the text of Article 10 is no longer in the textbook. You will find it in your Statute Book.

Page 188**Freedom of Association and Assembly**

The Essential Reading is Barnett, Chapter 20, pp.465–481.

Page 190

The Essential Reading is Barnett, Chapter 20.

Chapter 17: State security**Page 194**

The Essential Reading is Barnett, Chapter 22.

Page 195

Under Activity 17.1, the reading reference is Barnett, pp.508–509.

Chapter 18: Judicial review of administrative action**Page 207**

The Essential Reading is Barnett, Chapter 23, pp.544–574.

Page 209

The Essential Reading is Barnett, Chapter 23.

Under Condition 1, the reading reference is Barnett, pp.556–559.

Under Condition 2, the reading reference is Barnett, pp.548–550.

Page 210

The reading reference at the end of the first paragraph is Barnett, pp.563–564.

Page 211

At the end of the first paragraph, the reading reference is Barnett, pp.565–566.

Under Condition 5, the reading reference is Barnett, pp.551–552.

The Anisimic case is discussed in Barnett, pp.567–569.

Page 212

Under Condition 6, the reading reference is Barnett, p.556.

Page 213: 18.3

The Essential Reading is Barnett, Chapters 24 and 25, pp.576–622.

18.3.1

Please delete the reference to pages 751–753 in line five.

Page 214

At the end of the second paragraph, the reading reference is Barnett, pp.579–583.

Page 216: 18.3.3

Please note that Procedural Impropriety is now a separate chapter in Barnett, and that you should read Chapter 25.

Page 220

The Essential Reading is Barnett, Chapter 23, pp.570–573.

Chapter 19: Commissioners for Administration

Page 224

The Essential Reading is Barnett, Chapter 26, pp.624–642.

Page 225

The Essential Reading is Barnett, Chapter 26, pp.625–636.

NOTES