

Administrative law

Doctrine of Legitimate Expectations



Legitimate Expectations In Administrative Law

Robert Thomas



Legitimate Expectations In Administrative Law:

Legitimate Expectations in Administrative Law Søren J. Schønberg, 2000 This original and stimulating book is the first systematic study of the principle of legitimate expectations in administrative law to appear in the English language The notion of reasonable or legitimate expectations has played a central role in the development of administrative law over the last thirty years and it remains one of the most contentious and most frequently invoked grounds of judicial review In this book Dr Schonberg provides a detailed comparative and critical analysis of that notion He begins by clarifying why administrative law should protect expectations at all by linking expectations to fairness trust in administration and the Rule of Law with its requirements of legal certainty and formal equality In the light of this framework he examines in detail the principles and rules which contribute to the protection of expectations The scope of this analysis is broad looking both at procedural and substantive principles of administrative law as well as principles of tort liability and statutory compensation In all of these areas English law is carefully compared with French and EC law and is shown how the three legal systems often reach similar outcomes by the application of different legal principles and rules The current state of English law is examined critically in the light of the comparative study of French and EC law and a number of original suggestions for legal reform are presented They include the adoption of a general principle of irrevocability of intra vires administrative decisions a distinct principle of substantive legitimate expectations subject to a significant imbalance threshold for judicial intervention and a statutory right to compensation for loss caused by sufficiently serious violations of public law *Legitimate Expectations and Proportionality in Administrative Law* Robert Thomas, 2000-08-18 This book presents a comparison of the development of legitimate expectations and proportionality in European and English law against the different traditions of administrative law While these two principles are well established in European law only in recent years have the English courts years sought to integrate them into the common law and have experienced various difficulties in doing so This book seeks to understand the motivation behind this development explain why the English courts have been troubled by the principles and suggest how such difficulties can be resolved It will be of interest to all administrative lawyers both in practice and in academe It will also be of interest to EU lawyers particularly those interested in EU public law **A Theory of Legitimate Expectations for Public Administration** Alexander Brown, 2017 Should governmental administrative agencies be liable to pay compensation to agents who suffer losses as a result of a policy U turn Drawing on insights from political and legal theory Alexander Brown argues that agencies should be held liable for losses they directly cause by creating and then frustrating legitimate expectations *Legitimate Expectations and Proportionality in Administrative Law* Robert Thomas, 2000-09 Presents a comparison of the development in European and English law of two legal principles legitimate expectations and proportionality against the different traditions of administrative law Looks at case law of the English courts and the European Court of Justice and explains why English courts have been troubled by legitimate expectations and proportionality

and how such difficulties can be resolved Suggests that problems associated with these principles are connected to different cultural approaches to the appropriate role of law in the modern state Of interest to administrative lawyers The author teaches law at the University of Manchester Distributed by ISBS c Book News Inc Evolution and Application of the Doctrine of Legitimate Expectation in Administrative Law Apoorwa Nanayakkara,2023 This article delves into the evolution and application of the doctrine of legitimate expectation in administrative law exploring its fundamental principles and implications The concept of legitimate expectation has emerged as a vital bridge between the Rule of Estoppel and the Principle of Administrative Fairness serving to safeguard individuals against arbitrary exercise of power by state agencies Further examines the theoretical underpinnings of legitimate expectation its procedural and substantive aspects and its significance in ensuring good governance Through an analysis of key cases from different jurisdictions including Sri Lanka the article evaluates the development of the doctrine and its interplay with principles of natural justice and equality The article also discusses the challenges and ambiguities faced in distinguishing between procedural and substantive legitimate expectations Overall it highlights the importance of maintaining a delicate balance between protecting legitimate expectations and prioritizing the public interest while emphasizing the evolving nature of this doctrine within the realm of administrative law **Understanding Administrative Law in the Common Law World** Paul Daly,2021 This book offers a new framework for understanding contemporary administrative law through a comparative analysis of case law from Australia Canada England Ireland and New Zealand The author argues that the field is structured by four values individual self realisation good administration electoral legitimacy and decisional autonomy Legitimate Expectations in the Common Law World Matthew Groves,Greg Weeks,2017-01-12 The recognition and enforcement of legitimate expectations by courts has been a striking feature of English law since *R v North and East Devon Health Authority ex parte Coughlan* 2001 3 QB 213 Although the substantive form of legitimate expectation adopted in *Coughlan* was quickly accepted by English courts and received a generally favourable response from public law scholars the doctrine of that case has largely been rejected in other common law jurisdictions The central principles of *Coughlan* have been rejected by courts in common law jurisdictions outside the UK for a range of reasons such as incompatibility with local constitutional doctrine or because they mark an undesirable drift towards merits review The sceptical and critical reception to *Coughlan* outside England is a striking contrast to the reception the case received within the UK This book provides a detailed scholarly analysis of these issues and considers the doctrine of legitimate expectations both in England and elsewhere in the common law world *Administrative Law* Mark Elliott,Jason N. E. Varuhas,2017 *Administrative Law Text and Materials* combines carefully selected extracts from key cases articles and other sources with detailed commentary Aimed at undergraduates studying administrative law it provides comprehensive coverage of the subject and brings together in one volume the best features of a textbook and a casebook Rather than simply presenting administrative law as a straightforward body of legal rules this engaging critical text

considers the subject as an expression of underlying constitutional and other policy concerns which fundamentally shape the relationship between the citizen and the state The result is a fascinating account of a subject of crucial importance Online Resource Centre The book is supported by online an Online Resource Centre offering the following useful resources Updates which cover all the legal developments since publication Oxford NewsNow RSS feeds provide constantly refreshed links to the latest relevant new stories Interactive timeline of key dates in British political history Annotated web links *Beatson, Matthews and Elliott's Administrative Law Text and Materials* Mark Elliott,Jack Beatson,Martin Matthews,2011-01-27 Beatson Matthews Elliot s Administrative Law combines extracts from key cases articles and other sources with detailed commentary Aimed at undergraduates studying administrative law it provides comprehensive coverage of the subject *The Anatomy of Administrative Law* Joanna Bell,2020-05-28 Winner of the 2022 Inner Temple New Authors Book Prize This book seeks to further our understanding of the nature of administrative law doctrine and adjudication It has three main aims The first is to improve understanding of administrative law s anatomy by pulling the subject apart and exploring the nature of the legal structures at play in adjudication In doing so the book emphasises three main ways in which administrative law s anatomy is both complex and diverse namely administrative law doctrine interacts with a broad array of legislative frameworks administrative law adjudication seeks to accommodate a variety of legal values and administrative law is concerned with legal relationships of different kinds The second aim is to illustrate the importance of recognising the complexity and variety of administrative law s anatomy in three particular doctrinal contexts procedural review legitimate expectations and standing The third and final aim is to raise an important but under explored question is it plausible and useful to attempt to make sense of administrative law doctrine by reference to a singular organising concept or principle The overarching message of the book is one of cynicism The complexity and variety of administrative law s legal structures probably means that attempts to explain the field monistically while they may capture important themes will be unhelpfully reductionist Ambitious and thought provoking this is an important new statement on administrative law *Wade & Forsyth's Administrative Law* C. F. Forsyth,William Wade,Christopher Forsyth,Julian Ghosh,2023 Wade Forsyth s Administrative Law is the definitive account of the principles of judicial review and the administrative arrangements of the United Kingdom Firmly established among the foremost rank of legal textbooks it stands unparalleled in both scope and detail **Legitimate Expectations in the Common Law World** Matthew Groves,Greg Weeks,2017-01-12 The recognition and enforcement of legitimate expectations by courts has been a striking feature of English law since *R v North and East Devon Health Authority ex parte Coughlan* 2001 3 QB 213 Although the substantive form of legitimate expectation adopted in *Coughlan* was quickly accepted by English courts and received a generally favourable response from public law scholars the doctrine of that case has largely been rejected in other common law jurisdictions The central principles of *Coughlan* have been rejected by courts in common law jurisdictions outside the UK for a range of reasons such as incompatibility with local

constitutional doctrine or because they mark an undesirable drift towards merits review The sceptical and critical reception to Coughlan outside England is a striking contrast to the reception the case received within the UK This book provides a detailed scholarly analysis of these issues and considers the doctrine of legitimate expectations both in England and elsewhere in the common law world *Tradition and Change in Administrative Law* Marina Künnecke, 2007-08-01

Administrative legal systems are based on national constitutional legal traditions and cultural values English judges have for centuries applied the common law In Germany judges have developed administrative legal principles for the protection of the individual against state action However over the last few decades Administrative legal systems have become less isolated This is the result of fundamental developments in the European legal landscape and of the increasing complexity of Administrative legal problems In the UK the constitutional basis for judicial review principles of judicial control and governmental liability as well as the organisation of the courts are changing Both the English and the German Administrative legal systems are increasingly faced with the question of how to balance the dynamics of change with the preserving forces of tradition Here the open attitude of judges and lawmakers in considering solutions offered elsewhere is a remarkable development in a field of law which has long been perceived as too nationally specific There is a growing need for comparative material and analysis in Administrative law this book provides a valuable contribution to this field of law

Administrative Law of the European Union, Its Member States and the United States René Seerden, F. A. M. Stroink, 2002 This book offers a comparative introduction by editors and native authors to the most important aspects of administrative law in various EU Member States Belgium France Germany the Netherlands the United Kingdom at the level of the EU and in the United States of America It aspires to contribute to the transboundary understanding of different regimes related to actions and decisions of the administration For the purpose of the use of this book in education research and legal practice the contributions to the book are all based on one and the same format thus making it more accessible for its readers The main items of the format are 1 What is administrative law Definitions general administrative law versus specific areas of administrative law general administrative law in the context of constitutional law trias politica federal unitary state aspects basic principles and the practice evolution of administrative law etc 2 Who is administering An outline of the administration organs agencies individual persons etc in specific administrative law areas in the framework of the territorial and functional organisation of the State 3 Which instruments are available to the administration An overview of the available public law instruments and the possibility to use private law instruments 4 Which formal rules principles written or unwritten govern administrative actions An elaboration on decision making procedures public participation etc under general administrative law and specific areas of administrative law as well as more substantive rules principles for administrative

actions decisions due process in administrative matters 5 Access to administrative courts against administrative actions decisions Who can go to which courts constitutional administrative or ordinary and are prior out of court proceedings necessary How intensive or marginal is the test of discretionary administrative powers by the courts and what are the possible rulings of the court based on a remedy system for the plaintiff or on more general powers for the courts 6 Recent and future developments and conclusions The final chapter offers comparative remarks by the editors

The Principle of Legal Certainty in EC Law Juha Raitio, 2003-07-31 The intertwinement of EC law and national law may create unforeseeability in situations where EC law invades the national cases This study contributes to the contemporary discussion which wrestles with questions such as What have been the visions and objectives for European integration in the last decades How to describe European Union as a political entity and a legal system What is the relationship between legal certainty rule of law various general principles and human rights

Judicial Review in EU Law Alexander H. Türk, 2010-01-01 Judicial review constitutes an important aspect of any legal system operating under the rule of law This book provides a comprehensive account of judicial review in EU law by assessing the vast and complex case law of the European Court of Justice ECJ in this area and the academic opinion which has accompanied its rulings over the years It questions the prevalent view in academic literature that the Court's restrictive approach to allowing individuals direct access to the Community Courts in case of a challenge against normative acts amounts to a denial of an effective remedy The author argues that the emerging constitutional nature of the European Union and its federal structure requires a more balanced view While it will improve direct access for individuals to the Union's judiciary the Lisbon Treaty will not radically alter the system of judicial review in the European Union Judicial Review in EU Law will be of great interest to academics and given its detailed discussion of case law of the ECJ it will also appeal to postgraduate students of European law Dealing with an important aspect of legal practice it will be invaluable reading for practitioners in law firms and officials working in local regional and central government

The Emerging Principle of Legitimate Expectations in Administrative Law J. Beatson, 1988* EU Administrative Law Paul P. Craig, 2018 Part I Administration and Law 1 History and Typology 2 Crisis Reform and Constitutionalization 3 Centralized Management 4 Shared Management 5 Comitology 6 Agencies 7 Open Method of Coordination 8 Social Partners Part II Law and Administration 9 Foundations 10 Courts 11 Access

The Oxford Handbook of Comparative Administrative Law Peter Cane, Herwig Hofmann, Eric C. Ip, Eric Chi Yeung Ip, Peter L. Lindseth, 2021 In this Handbook distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective The book covers the historical beginnings of comparative administrative law scholarship and discusses important methodological issues and basic concepts such as administrative power and accountability

Judicial Review in European Union Law: Essays in Honour of Lord Slynn Gordon Slynn Baron Slynn of Hadley, 2000-06-14 Paradigm in Judicial Review

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