

## BOOK REVIEWS

*Judicial Review of Administrative Action.* Third edition. By S. A. DE SMITH, F.B.A., Downing Professor of the Laws of England in the University of Cambridge. [London: Stevens & Sons Ltd. 1973. xlix, 529 and (Index) 19 pp. £7.25 net.]

THIS is the third—and sadly Professor de Smith's last—edition of *Judicial Review of Administrative Action*. The previous editions appeared in 1959 and 1968. The organisation of the book has remained substantially unchanged through all three editions, but the economics of book publishing led the author to make certain excisions and rearrangements in 1973. The chapter on Classification of Functions, for instance, has been considerably shortened, and the former chapter on the History of Prerogative Writs has been relegated to an Appendix. A further change, which will be understood though at the same time regretted by many readers, is a less extensive coverage of case-law in jurisdictions in Commonwealth countries. With characteristic optimism, however, Professor de Smith felt that a reduced emphasis on the Commonwealth was tolerable for two reasons: first, because of the growth of academic and professional literature on administrative law in the Commonwealth, and secondly, the fact that the most creative developments in the judicial sector of administrative law of late have taken place in this country. Professor de Smith would of course have been the first to concede that in such countries as New Zealand, Canada and Australia there has been far greater progress than here in seeking reform through legislation of many aspects of administrative law; others would recognise that the encouraging developments which he noted in recent judicial decisions in this country, and which have taken place in varying degrees throughout the Commonwealth over the past 10 or 15 years, have been to a considerable extent influenced by the immense contribution which he made in the three editions of *Judicial Review of Administrative Action* to the exposition, clarification and analysis of the principles of administrative law.

The difficulties of defining the scope or isolating the content of administrative law are well known. This is recognised frequently by Professor de Smith. He accepts that judicial review is "inevitably sporadic and peripheral," though he rightly reminds his readers that some of the untidiness in English case-law is attributable to the untidiness of the British administrative system. Indeed, given the enormous complexity of our administrative system and the innumerable constitutional and political principles or presumptions that have to be borne in mind, it is remarkable that Professor de Smith succeeded from the start in presenting his subject with the right balance of general background and specific discussion. In his chapter on "Review of Discretionary Powers," he recognises that his survey has to be conducted at a fairly high level of generality, but the case-law is brought together skilfully and coherently despite the vast range of statutory provisions which form the basis for the individual decisions. It is a feature of the book as a whole that there is relatively little discussion of particular cases in the text itself, but it is this which enables the author to bring together his principles, his observations and

# Judicial Review Of Administrative Action Third Edition

**Matthew Lewans**



## **Judicial Review Of Administrative Action Third Edition:**

*Judicial Review of Administrative Action* Swati Jhaveri, Michael Ramsden, 2021-03-18 Explores the English origins of the principles of judicial review in common law jurisdictions and autochthonous pressures for their adaptation **Handbook of Public Administration, Third Edition** W. Bartley Hildreth, Gerald J. Miller, Jack Rabin, 2006-11-14 Since the publication of the previous edition the best selling Handbook of Public Administration enters its third edition with substantially revised updated and expanded coverage of public administration history theory and practice Edited by preeminent authorities in the field this work is unparalleled in its thorough coverage and comprehensive references This handbook examines the major areas in public administration including public budgeting and financial management human resourcemanagement decision making public law and regulation and political economy Providing a strong platform for further research and advancement in the field this book is a necessity for anyone involved in public administration policy and management This edition includes entirely new chapters on information technology and conduct of inquiry In each area of public administration there are two bibliographic treatises written from different perspectives The first examines the developments in the field The second analyzes theories concepts or ideas in the field s literature Administrative Law in a Changing State Linda Pearson, Carol Harlow Harlow KC, Michael Taggart, 2008-11-24 This book of essays celebrates Mark Aronson s contribution to administrative law As joint author of the leading Australian text on judicial review of administrative action Aronson s work is well known to public lawyers throughout the common law world and this is reflected in the list of contributors from the US Canada Australia New Zealand and the UK The introduction comes from Justice Michael Kirby of the High Court of Australia The essays reflect Aronson s interests in judicial review non judicial grievance mechanisms problems of proof and evidence and the boundaries of public and private law Amongst the contributors Peter Cane Elizabeth Fisher and Linda Pearson write on administrative adjudication and decision making Anita Stuhmcke writes on Ombudsmen and Robin Creyke and John McMillan the Commonwealth Ombudsman write on charters codes and soft law There are evaluations of the profound influence of human rights law on judicial review from the UK by Sir Jack Beatson and Thomas Poole and from Canada by David Mullan Matthew Groves and Chief Justice James Spigelman address developing themes in judicial review while Carol Harlow Richard Rawlings Michael Taggart and Janet McLean follow Aronson s interests into the private side of public law An American perspective is added by Alfred Aman and Jack Beermann **Leading Works in Public Law** Patrick O'Brien, Ben Yong, 2024-10-08 This book brings together a group of leading scholars working in public law and constitutional theory It examines accepted leading works of public law while also exploring those that deserve greater attention Over 13 chapters a group of leading public law experts each examine one leading work from the UK public law canon Each chapter critically reflects on the context of a work in public law taking into account not just the work and its context but also how it shapes and contributes to the broader discipline The final chapter offers an international overview of the chapters themselves reflecting

critically on the scholarly canon of UK public law from the perspective of American constitutional scholarship The book will be of interest to scholars and students of constitutional law      Cases, Materials and Commentary on Administrative Law S. H. Bailey, Brian L. Jones, Alastair R. Mowbray, 2005 Provides a set of commentaries on a contractual history of an oil or gas field from the initial formation of a consortium to bid on concessions to the abandonment of the facilities The book is accompanied by a disk containing precedents to accompany and illustrate the principles described      Understanding Environmental Administration and Law, 3rd Edition Susan J. Buck, 2013-03-05 Understanding Environmental Administration and Law provides an engaging introductory overview of environmental policy Author Susan J Buck explores the process through which policy is made the political environment in which it is applied and the statutory and case laws that are critical to working within the regulatory system This revised and expanded third edition adds case studies that help bring the subject to life and includes new material on the Bush Administration and its approach to administering environmental laws the continuing evolution of environmentalism and the changing role of environmental regulation in the United States the development and implementation of environmental agreements at the international level the impacts and implications of globalization Understanding Environmental Administration and Law provides a framework for understanding the law as a managerial tool      **De Smith's Judicial Review of Administrative Action** Stanley A. De Smith, John Maxwell Evans, 1980

**Judicial tribunals in England and Europe, 1200-1700** Maureen Mulholland, 2018-07-30 This electronic version has been made available under a Creative Commons BY NC ND open access license This book examines trials civil and criminal ecclesiastical and secular in England and Europe between the thirteenth and the seventeenth centuries Chapters consider the judges and juries and the amateur and professional advisers involved in legal processes as well as the offenders brought before the courts with the reasons for prosecuting them and the defences they put forward The cases examined range from a fourteenth century cause célèbre the attempted trial of Pope Boniface VIII for heresy to investigations of obscure people for sexual and religious offences in the city states of Geneva and Venice Technical terms have been cut to a minimum to ensure accessibility and appeal to lawyers social political and legal historians undergraduate and postgraduates as well as general readers interested in the development of the trial through time      **Administrative Law and Judicial Deference** Matthew Lewans, 2016-01-28 In recent years the question whether judges should defer to administrative decisions has attracted considerable interest amongst public lawyers throughout the common law world This book examines how the common law of judicial review has responded to the development of the administrative state in three different common law jurisdictions the United Kingdom the United States of America and Canada over the past 100 years This comparison demonstrates that the idea of judicial deference is a valuable feature of modern administrative law because it gives lawyers and judges practical guidance on how to negotiate the constitutional tension between the democratic legitimacy of the administrative state and the judicial role in maintaining the rule of law      **Modern Administrative Law in Australia** Matthew Groves, 2014-02-13

Modern Administrative Law provides an authoritative overview of administrative law in Australia. It clarifies and enlivens this crucial but complex area of law with erudite analysis and thoroughly modern perspectives. The contributors, including highly respected academics from 11 Australian law schools as well as eminent practitioners including Chief Justice Robert French AC and Justice Stephen Gageler of the High Court of Australia, are at the forefront of current research, debate and decision making and infuse the book with unique insight. The book examines the structure and themes of administrative law, the theory and practice of judicial review and the workings of administrative law beyond the courts. Administrative law affects innumerable aspects of political, commercial and private life and yet is often considered difficult to understand. Modern Administrative Law unravels the intricacies and reveals how they are applied in real cases. It is an essential reference for students and practitioners of administrative law.

**Indirect Judicial Review in Administrative Law** Mariolina Eliantonio, Dacian Dragos, 2022-11-11. This book provides a comparative analysis of the concept and concrete application of the system of indirect review of administrative action. The indirect review of administrative action is a judicial review mechanism that permits re-visiting already settled administrative measures. As an indirect way of challenging the validity of a measure or act by attacking the legal basis on which it is founded, it can regard either general acts or individual acts and measures. This book explores whether the system of indirect review is a suitable remedy for modern administrative justice, assessing whether it fairly balances the legality and the legal certainty principles. It examines the tension between the two principles and seeks to establish what the standards of review are and whether a common European trend can be discerned by analysing the theory and practice from jurisdictions in Western and Eastern Europe as well as the EU legal system. The book will be a valuable resource for academics, researchers and policy makers working in the areas of Administrative Law, EU law and Public Administration.

**LAW, JUSTICE AND GOVERNANCE:** Hassan B. Jallow, 2023-09-14. This book brings together a selection of fifty speeches, articles and papers by the author drawn from his long and diverse experience in governance matters. The common threads running through the book emphasise the need for good governance as the foundation for human development, the consent of the people as the source of the legitimate authority of government, the need for accountability of government and checks on abuse of administrative power, respect for fundamental human rights and freedoms, judicial independence, impartiality and efficiency, and the recognition of government power as a means to the attainment of civil, political, social and economic justice.

*The Civil Law Tradition, 3rd Edition* John Henry Merryman, Rogelio Pérez-Perdomo, 2007-05-21. Designed for the general reader and students of law, this is a concise history and analysis of the civil law tradition which is dominant in most of Europe, all of Latin America and many parts of Asia, Africa and the Middle East. This new edition deals with recent significant events such as the fall of the Soviet empire and the resulting precipitous decline of the socialist legal tradition and their significance for the civil law tradition. The book also incorporates the findings of recent important literature on the legal cultures of civil law countries.

**Soft Law and Public**

**Authorities** Greg Weeks, 2016-02-25 This book considers the phenomenon of soft law employed by domestic public authorities. Lawyers have long understood that public authorities are able to issue certain communications in a way that causes them to be treated like law even though these are neither legislation nor subordinate legislation. Importantly for soft law as a regulatory tool, people tend to treat soft law as binding even though public authorities know that it is not. It follows that soft law's binding effects do not apply equally between the public authority and those to whom it is directed. Consequently, soft law is both highly effective as a means of regulation and inherently risky for those who are regulated by it. Rather than considering soft law as a form of regulation, this book examines the possible remedies when a public authority breaches its own soft law upon which people have relied, thereby suffering loss. It considers judicial review remedies, modes of compensation which are not based upon a finding of invalidity, namely tort and equity, and soft challenges outside the scope of the courts, such as through the Ombudsman or by seeking an ex gratia payment. **United States Reports** United States Supreme Court, 1970 *Administrative Law: Cases and Materials* Collins Parker, 2019-08-23 *Administrative Law Cases and Materials* is an important and comprehensive contribution to the legal literature on Namibian law. It will contribute to the development of Namibia's jurisprudence. Experienced author and judge of the Namibian High Court, Dr Collins Parker, discusses key principles of administrative law applicable to Namibia under the common law as developed and broadened by article 18 of the Namibian Constitution. To support propositions of law discussed in the text, he presents carefully selected extracts of judgments delivered in important cases. The book offers a rich source of judicial pronouncements as precedent that are not readily available to many students and teachers of law. The selected cases are from the superior courts in Namibia, South Africa, England, and Canada, all common law countries. There are also footnote references to cases from other common law countries like India, Zambia, and Zimbabwe. Practitioners of law at the Bar or on the Bench, law researchers, and other professionals in public authorities, including parastatals, private companies, and other, find this book useful in the performance of their professional tasks. Constitutional and Administrative Law Roger Masterman, Colin Murray, 2022-06-02 Using numerous topical examples and a clear structure, this third edition textbook provides an accessible, discursive, and scholarly treatment of the key contemporary issues in UK public law. Drawing upon their extensive teaching and research experience, Roger Masterman and Colin Murray offer an engaging account of the key topics which make up a constitutional and administrative or public law syllabus. Controversial issues and broader debates are highlighted throughout the text, allowing the reader to develop a strong understanding of both the application of key topics in the field and the socio-political context in which the constitution has developed. This fully revised edition includes detailed analysis of recent significant cases, the constitutional implications of the Covid 19 pandemic, and a dedicated chapter on the consequences of Brexit. *Bank Directors', Officers' and Lawyers' Civil Liabilities, 3rd Edition* Villa, 2020-05-19 *Bank Directors, Officers and Lawyers Civil Liabilities Third Edition* is an essential resource for any attorney who is litigating or attempting to settle cases.

brought by the federal and state banking regulators against directors officers and legal counsel of financial institutions It provides current analysis of the new law emerging from the courts the Supreme Court s landmark decision in O Melveny does federal or state law control What are acceptable courses of conduct for the bank What must agencies prove before a court will enforce an administrative subpoena for financial data How does the Sarbanes Oxley Act of 2002 affect those banks that constitute a public company New developments analyzed in the Third Edition include Updated guidance from the banking regulatory agencies on implementing effective Bank Secrecy Act Anti Money Laundering compliance programs Updated regulations on the application of the Volcker Rule Recent ethics opinions addressing the nature and extent of a lawyer s duty with respect to the return of a client s files An attorney s liability as a joint tortfeasor for participating in another s breach of fiduciary duty Updated guidance on the imposition of firm wide penalties in enforcement actions and on capital requirements for community banking entities New case law addressing issues under the Delaware indemnification statute Note Online subscriptions are for three month periods

**The Judges and Lawyer's Companion** LornaMarie,2018

The Judges and Lawyer s Companion is a must have and useful tool in the hands of Judges and Lawyers and in deed any one delivering a decision making role formally and informally This book aims to reduce the valuable time lawyers at the bar and judicial officers on the bench spend looking for the meaning of Latin maxims Law students seeking quick interpretation and dictionary meaning of Latin maxims will also benefit immensely I have decided to compile this companion as a reference guide at a glance and I hope this piece of work will find its place on the book shelf of every Judge and Lawyer around the world The author has carefully illustrated the meaning of each maxim using case authorities wherever possible in court ruling around the world This book is a linguistic treasure a robust companion with engaging collection puts revered proverbs at reader s fingertips

*The Law of Chemical and Pharmaceutical Invention* Jerome Rosenstock,2012

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