

Administrative law

Doctrine of Legitimate Expectations



Legitimate Expectations In Administrative Law

Marina Künnecke

Legitimate Expectations In Administrative 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

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

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

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 **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 **The Principle of Legal Certainty in EC Law** Juha Raitio,2003-07-31 The intertwining 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 **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

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 *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 *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 *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

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

EU Administrative Law Paul Craig, 2018-10-25 The third edition of EU Administrative Law provides comprehensive coverage of the administrative system in the EU and the principles of judicial review that apply in this area This revised edition provides important updates on each area covered including new case law institutional developments and EU legislation These changes are located within the framework of broader developments in the EU The chapters in the first half of the book deal with all the principal variants of the EU administrative regime Thus there are chapters dealing with the history and taxonomy of the EU administrative regime direct administration shared administration comitology agencies social partners and the open method of coordination The coverage throughout focuses on the legal regime that governs the particular form of administration and broader issues of accountability drawing on literature from political science as well as law The focus in the second part of the book shifts to judicial review There are detailed chapters covering all principles of judicial review and the discussion of the law throughout is analytical and contextual It begins with the principles that have informed the development of EU judicial review This is followed by a chapter dealing with the judicial system and the way in which reform could impact on the subject matter of the book There are then chapters dealing with competence access transparency process law fact and discretion rights equality legitimate expectations two chapters on proportionality the precautionary principle two chapters on remedies and the Ombudsman

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 *Constitutional & Administrative Law* Hilaire Barnett, 2014-11-27 This highly respected textbook is regularly updated to provide complete coverage of the Public Law syllabus and is accompanied by a range of interactive resources designed to support teaching and learning Mapped to the common course outline it equips students with an understanding of the constitution's past present and future by analysing and illustrating the political and socio historical contexts which have shaped the major rules and principles of public law as well as on going constitutional reform The new 10th edition has been revised and updated to reflect recent developments in the law including the Defamation Act 2013 Crime and Courts Act 2013 and the Justice and Security Act 2013 and has been enhanced to meet the needs of students and lecturers working in today's digital world In addition to the printed textbook users receive access to an enhanced electronic version The interactive eTextbook brings the benefits of digital to the text searching online offline and mobile access interactive exercises and note sharing are just some of the newly integrated features Key features of the interactive electronic textbook One click access to the cases on LexisNexis and the statutes on the government's legislation archive with almost 1 000 embedded hyperlinks in the text The most up date book available with author updates twice a year to key developments in Public law End of chapter interactive exercises which enable students to assess their understanding and progress and diagnose areas of weakness An Interactive timeline that provides instant access to essential context on how the constitution has developed historically and politically to the present day A comprehensive bank of essay questions with outline answers to help students prepare for assessments The ability to make notes and highlight key sections of the text and to share your notes with the class Instructor Resources A companion website will help instructors integrate the textbook with their teaching and includes links to further reading for students Access to articles on constitutional and administrative law from The Student Law Review All of the diagrams from the text ready to be integrated with your teaching Chapter by chapter customisable PowerPoint slides which can be used in seminars or lectures A bank of multiple choice questions which can be customised and adapted for formative assessment Weblinks curated by the author in a read to click format Please register to gain access to the Instructor's eResource on www.RoutledgeInteractive.com Further information about the interactive electronic textbook Author Updates twice a year As the law changes so does the interactive eTextbook Updates will go live in the Interactive eTextbook and can be downloaded from the Instructor eResource Hyperlinked citations embedded in the text Students will have one click access to the full text of cases on LexisNexis and to statutes on the government's legislation archive End of chapter assessments and quizzes Hundreds of interactive multiple choice exercises to encourage students to test their understanding of the key concepts Anytime anywhere access Made possible by a partnership between Routledge and VitalSource your interactive eTextbook is accessible via VitalSource's Bookshelf the most used eTextbook platform in the world Bookshelf makes digital reading possible online offline as a download or on mobile devices in native apps as well as

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The Emerging Principle of Legitimate Expectations in Administrative Law J. Beatson,1988* [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 [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 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 administrating 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

Research Handbook on General Principles in EU Law Ziegler, Katja S.,Neuvonen, Päivi J.,Moreno-Lax,

Violeta,2022-04-22 This Research Handbook offers a comprehensive study of existing and emerging general principles of EU law by scholars from a wide range of expertise in EU law international law legal theory and different areas of substantive law It explores the theory content role and function of general principles in EU law to better understand general principles as a mechanism for the substantive openness of the EU legal order as well as for cross fertilization and coherence of legal orders Their potential as a tool to manage the interaction of legal regimes and orders is a particular focal point and will make this Handbook a must read for scholars of EU Law

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