Effective Judicial Review

A Cornerstone of Good Governance

Edited by Christopher Forsyth, Mark Elliott, Swati Jhaveri, Michael Ramsden, and Anne Scully Hill

- Offers a comprehensive overview of the transformations to the modern law of judicial review across the common law world
- Includes contributions from over 30 of the leading figures in public law from academia and legal practice
- Includes comparative analyses of recurring problems in judicial review together with case studies of law reform in the major common law jurisdictions
- Features a section on administrative justice in China, a country so far under-explored in the public law literature

The use and scope of judicial review of government action has transformed across the common law world over the last forty years. This volume takes stock of the transformation, bringing together over 30 leading figures from academia and practice to analyse the major issues surrounding the legal reforms from theoretical and comparative perspectives.

Coverage in the book spans the theoretical foundations of judicial review; the scope and functions of administrative justice; the conditions of judicial independence; recurring problems in legal doctrine; and issues in legal procedure. A final set of essays presents case studies of the experiences of reforming judicial review in different countries, including an extended section on judicial review in China.

The Hon. Mr Justice Andrew Li: Foreword
The Rt. Hon. Lord Woolf of Barnes: Preface

Part 1: Introduction
1: Christopher Forsyth, Mark Elliott, Swati Jhaveri, Michael Ramsden and Anne Scully Hill: Introductory comments by the Editors

Part 2: The Legitimacy and Constitutional Foundations of Judicial Review
2: Professor Martin Loughlin: Judicial Independence and Judicial Review in Constitutional Democracies: A Note on Hamilton and Tocqueville
3: Professor Paul Craig: Political Constitutionalism and Judicial Review
4: Professor Cheryl Saunders: The Constitutionalization and Codification of Judicial Review in South Africa
5: Professor Cheryl Saunders: Constitutions, Codes and Administrative Law: The Australian Experience

Part 3: Scope & Functions of Administrative Justice
6: Professor Carol Harlow: Multiple Functions of Judicial Review
7: Professor Paul Rishworth & Professor Janet McClean: Human Rights Obligations in the Privateations: Sector: Reflections on YL v Birmingham City Council and the Meaning of "Public Function"
8: Professor Peter Cane: Judicial Review in the Age of Tribunals
9: Sir Robert Carnwath: Tribunal Justice - Judicial Review by Another Route
10: Professor Jeffrey Lubbers: Should the Primary Locus of Government Adjudication be in the Agencies, the Courts, or in a Special Tribunal? Comparisons Between the US and the UK/Australia Models

Part 4: Conditions for Effective Judicial Review