Update — April 2012

Below are a selection of some of the more interesting constitutional developments:

Chapter 3 The nature of the British constitution
In 2011 the Cabinet Manual was published. It provides a very useful outline of the system of government in the UK. Also note the publication of the second edition of P Leyland The Constitution of the United Kingdom (Hart, 2012).

Chapter 6 The rule of law
The Terrorism Prevention and Investigation Measures Act 2011 creates measures to replace control orders with TPIMs (Terrorism Prevention and Investigation Measures). At the time of writing the Protection of Freedoms Bill had almost completed its passage through Parliament. It concerns, inter alia, amending stop and search powers under the Terrorism Act 2000 and reducing the pre-charge detention period to 14 days.

Chapter 7 Parliamentary sovereignty

Chapter 8 Parliament I: Nature, functions and privilege
The Queen’s Speech takes place in May 2012, thereby signalling parliamentary sessions which will hereafter run from May to April (this is as a result of the passage of the Fixed-term Parliaments Act 2012). On the Fixed-term Parliaments Act see Mark Ryan “The Fixed-term Parliaments Act 2011.” [2012] Public Law 213.

Chapter 10 Parliament III: the House of Lords
The Joint Committee on the draft House of Lords Reform Bill was scheduled to issue its report in late April 2012. It is widely expected that a fully-fledged House of Lords Reform Bill will be announced in the Queen’s Speech in May 2012. Also note Lord Steel’s Private Member’s House of Lords (Amendment) Bill which proposes interim and incremental changes (e.g. to enable permanent leave of absence of members). It was scheduled to have its
Second Reading the Commons in April (having already passed the Lords); however, it has no realistic chance of becoming law before the end of the parliamentary session.

Chapter 11 The executive
The Public Bodies Act 2011 concerns the merger or abolition of specified public bodies (or a transfer of their functions). The Police Reform and Social Responsibility Act 2011 concerns the governance of police forces and s 141 repeals ss 132-138 of the Serious Organised Crime and Police Act 2005.

Chapter 12 Executive/parliamentary relations
In 2011 Dr Liam Fox resigned from the Government as Secretary of State for Defence.

Chapter 13 The judiciary
In 2012 the House of Lords Select Committee on the Constitution issued its report reviewing the constitutional framework of judicial appointments: Judicial Appointments, HL Paper 272 (2012). Among other things, it set out a number of recommendations in order to improve diversity within the judiciary. Also note the recent book on judges: P. Derbyshire, Sitting in Judgment – the working lives of judges (Hart Publishing, 2011).

Chapter 14 The decentralisation of public power
Local government
The Localism Act 2011, inter alia, gives additional powers to local authorities (e.g. a general power of competence).

Scotland
At the time of writing the Scotland Bill was scheduled to have its Third Reading in April 2012 and the Bill gives effect to the Calman Commission’s recommendations (see p 317 of the textbook). Also in relation to Scotland see the Supreme Court decision in AXA General Insurance Ltd v Lord Advocate [2011] UKSC 46 and associated article C. Himsworth “The Supreme Court reviews the Review of Acts of the Scottish Parliament.” [2012] Public Law 205. In terms of a future referendum in Scotland on independence, see the following consultation document issued by the Scotland Office: Scotland’s constitutional future – A consultation on facilitating a legal, fair and decisive referendum on whether Scotland should leave the United Kingdom. (Cm 8203, 2012).
Chapter 15 The European Community
The European Union Act 2011 provides for a national UK-wide referendum to take place in the event of proposed Treaty changes (or also where powers/competences would be transferred from the United Kingdom to Europe).

Chapter 17 The Human Rights Act 1998
In *R ((1) Hurley and (2) Moore) v Secretary of State for Business Innovation* [2012] EWHC 201 (Admin) it was held that the increasing of university fees was not contrary to the ECHR. Also note the following articles: Lord Irvine “A British Interpretation of Convention Rights” [2012] Public Law 237 and Sir Philip Sales “Strasbourg Jurisprudence and the Human Rights Act: A Response to Lord Irvine” [2012] Public Law 253.

Chapter 18 Freedom of speech
In 2012 the Joint Committee on Privacy and Injunctions issued its report: *Privacy and injunctions* HL Paper 273, HC 1443 (2012).

Chapter 20 Judicial review II (grounds of review and remedies)
In *R (Qaisar Shaffi) v Secretary of State for Justice* [2011] WEHC 3113 (Admin) a prisoner successfully sought judicial review of a refusal to allow an oral hearing in respect of re-categorisation.

In *R (Green) v Gloucestershire CC / R ((1) Rowe and (2) Hird) v Somerset CC* [2011] EWHC 2687 (Admin) two local authorities had acted unlawfully in withdrawing library funding (i.e. their public sector equality duties had not been complied with).

The increasing of university fees was not contrary to the ECHR. See *R ((1) Hurley and (2) Moore) v Secretary of State for Business Innovation* [2012] EWHC 201 (Admin).