

Flashcards: Delegated legislation

<p>R v Home Secretary ex parte Fire Brigades Union (1995)</p> <p>(judicial review)</p>	<ul style="list-style-type: none"> • A House of Lords case concerning how compensation is awarded under the Criminal Injuries Compensation Scheme. The case is considered a very important ruling on the extent of the Ministerial prerogative powers. The crux of the case was the consideration as to whether the executive in the UK can use the prerogative powers with the actual effect that an Act of Parliament (legislation) could be prevented from coming into force. • The question at issue was whether when the bringing into power of legislation is hung on the act of the executive, is it a duty or an option for this duty to be seen through and the provisions brought into power? • At the House of Lords, it was ruled by a 3-2 majority that the actions of the Home Secretary were unlawful. The progression of the acts and provisions led the general public to have legitimate expectations of the enactment of the new law. The failure of the Secretary of State to 'sign off' on the 1988 Act breached this.
<p>R v SSE, ex parte National Union of Teachers (2000)</p> <p>(procedural Ultra Vires)</p>	<ul style="list-style-type: none"> • High Court Judge ruled that a statutory instrument setting conditions for appraisals and access to higher rates of any pay for readers was beyond the powers given under the Education Act 1996 • Procedure was unfair (only 4 days for consultations)
<p>Aylesbury Mushroom case (1972)</p> <p>(procedural Ultra Vires)</p>	<ul style="list-style-type: none"> • Minister of Labour had to consult any organisation appearing to him to be representative of substantial numbers of employers engaging in the activity concerned' • Failed to consult the Mushroom Grower's Association (represents 85% of the total mushroom growers) • His order has invalid against mushroom growers • Valid in relation to others affected by the order (e.g. farmers) as the Minister had consulted with the National Farmers Union