

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

JUDGES ON TRIAL

The second edition of *Judges on Trial* articulates the rules, assumptions and practices which shape the culture of independence of the English judiciary today. Enhanced by interviews with English judges, legal scholars and professionals, it also outlines the factors that shape the modern meaning of judicial independence. The book discusses the contemporary issues of judicial governance, judicial appointments, the standards of conduct on and off the bench, the discipline and liability of judges and the relationship between judges and the media. It is accessible to an international audience of lawyers, political scientists and judges beyond the national realm.

SHIMON SHETREET holds the Greenblatt Chair of Public and International Law at the Hebrew University of Jerusalem, Israel. He is the author and editor of many books on the judiciary. He is President of the International Association of Judicial Independence and World Peace and the leader of the International Project on Judicial Independence and the Mt Scopus International Standards of Judicial Independence 2008. Between 1988 and 1996 he served as Member of the Israeli Parliament and was a cabinet minister under Yitshak Rabin and Shimon Peres.

SOPHIE TURENNE is a fellow and lecturer in Law at Murray Edwards College, University of Cambridge, where she teaches comparative law, constitutional law and European law. She was one of a number of experts who took part in an OSCE–ODIHR Research Project, which led to the publication in 2010 of the *Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia*. She will act as General Reporter on the topic of judicial independence at the nineteenth International Congress of Comparative Law in Vienna (July 2014).

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

CAMBRIDGE STUDIES IN CONSTITUTIONAL LAW

The aim of this series is to produce leading monographs in constitutional law. All areas of constitutional law and public law fall within the ambit of the series, including human rights and civil liberties law, administrative law, as well as constitutional theory and the history of constitutional law. A wide variety of scholarly approaches is encouraged, with the governing criterion being simply that the work is of interest to an international audience. Thus, works concerned with only one jurisdiction will be included in the series as appropriate, while, at the same time, the series will include works which are explicitly comparative or theoretical – or both. The series editors likewise welcome proposals that work at the intersection of constitutional and international law, or that seek to bridge the gaps between civil law systems, the US, and the common law jurisdictions of the Commonwealth.

Series Editors

David Dyzenhaus

Professor of Law and Philosophy, University of Toronto, Canada

Adam Tomkins

John Millar Professor of Public Law, University of Glasgow, UK

Editorial Advisory Board

T.R.S. Allan, Cambridge, UK

Damian Chalmers, LSE, UK

Sujit Choudhry, Toronto, Canada

Monica Claes, Maastricht, Netherlands

David Cole, Georgetown, USA

K.D. Ewing, King's College London, UK

David Feldman, Cambridge, UK

Cora Hoexter, Witwatersrand, South Africa

Christoph Moellers, Goettingen, Germany

Adrienne Stone, Melbourne, Australia

Adrian Vermeule, Harvard, USA

Books in the series:

Judges on Trial: The Independence and Accountability of the English Judiciary

Shimon Shetreet and Sophie Turenne

Proportionality and Constitutional Culture

Moshe Cohen-Eliya and Iddo Porat

The Politics of Principle, The First South African Constitutional Court, 1995–2005

Theunis Roux

The New Commonwealth Model of Constitutionalism, Theory and Practice

Stephen Gardbaum

Searching for the State in British Legal Thought, Competing Conceptions of the Public Sphere

Janet McLean

Judging Social Rights

Jeff King

Proportionality, Constitutional Rights and their Limitations

Aharon Barak

Parliamentary Sovereignty, Contemporary Debates

Jeffrey Goldsworthy

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

JUDGES ON TRIAL: THE INDEPENDENCE AND ACCOUNTABILITY OF THE ENGLISH JUDICIARY

SECOND EDITION

SHIMON SHETREET

and

SOPHIE TURENNE



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
 978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
 English Judiciary: Second Edition
 Shimon Shetreet and Sophie Turenne
 Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Published in the United States of America by Cambridge University Press, New York

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of
 education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107013674

© Shimon Shetreet and Sophie Turenne 2013

This publication is in copyright. Subject to statutory exception
 and to the provisions of relevant collective licensing agreements,
 no reproduction of any part may take place without the written
 permission of Cambridge University Press.

First published by Elsevier 1976

Second edition Cambridge University Press 2013

Printed in the United Kingdom by CPI Group Ltd, Croydon CR0 4YY

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication Data

Shetreet, Shimon.

Judges on trial : the independence and accountability of the English judiciary / By Shimon
 Shetreet and Sophie Turenne. – Second edition.

pages cm.

ISBN 978-1-107-01367-4 (Hardback) – ISBN 978-1-107-62937-0 (Paperback)

1. Judges—Great Britain. 2. Judicial power—Great Britain. I. Turenne, Sophie. II. Title.

KD7285.S54 2013

347.41'014—dc23 2013009534

ISBN 978-1-107-01367-4 Hardback

ISBN 978-1-107-62937-0 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of
 URLs for external or third-party internet websites referred to in this publication,
 and does not guarantee that any content on such websites is, or will remain,
 accurate or appropriate.

Cambridge University Press
978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition
Shimon Shetreet and Sophie Turenne
Frontmatter
[More information](#)

CONTENTS

<i>Foreword</i>	vi
<i>Acknowledgments</i>	viii
<i>Table of cases</i>	x
<i>Table of legislation</i>	xxvi
<i>List of abbreviations</i>	xxix
1. Introduction	1
2. Constitutional steps towards judicial independence	21
3. The structure and governance of the English judiciary	47
4. Judicial appointments	102
5. Standards of conduct on the bench	179
6. Standards of conduct in extra-judicial activities	243
7. Immunity, discipline and removal of judges	272
8. Freedom of expression and public confidence in the judiciary	357
9. Conclusions	419
<i>Annex 1 Courts and tribunals structure</i>	430
<i>Index</i>	433

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

FOREWORD

Professor Shetreet's seminal work on judicial independence published in 1976 provided a systemisation of the rules and practices that safeguarded the independence of the judiciary of England and Wales at a time when the office of Lord Chancellor was of central importance. A detailed historical survey underpinned that systemisation. Lord Scarman was right to commend it in his preface to that edition. My well-thumbed copy is a measure of its use by me in the period from 2003.

That period began with the decision in June 2003 first to abolish, but then only to reform, the office of Lord Chancellor, and to create a Supreme Court and a new system for judicial appointments. The legislative changes in the Constitutional Reform Act to give effect to those decisions came into effect in 2006. Although as with many major reforms, the changes are still evolving, this is an excellent time to take stock and provide a systemisation of the new system. A second edition is not only needed, but most welcome. The stated aim is to make explicit the rules, assumptions and practices in force within our judiciary in consequence of the changes.

Underpinning that aim is a detailed exposition of the way in which the judicial system operates. Subjects that might not at first sight appear important are explained in such a way that their significance becomes apparent. The flexibility of case assignment (or listing) is assessed in comparison to the principles applicable in Germany. As the authors perceptively observe, that flexibility is accepted because of the culture of trust that underpins our judicial system.

Old issues are carefully re-analysed in the light of some changes that antedate the 2003 decisions. Although judges have always given lectures that have, with a greater or lesser degree of self-restraint, addressed matters of controversy, until 1987, the Kilmuir rules constrained judges from speaking in other circumstances, particularly to the media. The authors analyse the changes that have occurred and tentatively conclude that the applicable principle is one of free but circumspect speech guided

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

FOREWORD

vii

by long-standing constitutional culture. Although principles of judicial conduct have long rested on Magna Carta, the judicial oath and accepted practice, in 2002 detailed rules were for the first time set out in the *Guide to Judicial Conduct*. These required and receive critical evaluation – for the most part favourable.

The changes initiated in 2003 are subjected to critical appraisal; again matters that might not seem very significant are carefully considered – one of the nine chapters is devoted to the structure and governance of the judiciary. The role of the Judicial Appointments Commission is also carefully examined. Whilst applauding its creation as a step taken towards greater judicial independence, it rightly subjects to critical examination the need for greater diversity, the concept of a judicial career and the role of training in supporting progression and mobility.

Many fundamental questions are asked. For example, whether the safeguards in the Constitutional Reform Act will in fact safeguard the judiciary from political pressure or interference, whether there are sufficient checks and balances to govern the inherent tension between judicial independence and accountability and whether the balance between the fundamental values of a justice system are, in the context of diminishing resources, properly balanced with efficiency and performance. Although no specific answers are given, the detailed research and clear explanations of the system contain clear pointers to realistic answers.

Like Lord Scarman in 1976 I would unreservedly commend this new edition to anyone who wishes to understand the role of the judicial branch of the state, what its independence and accountability actually entail and what remains to be done to foster its continued constructive role in the good governance of the state. *Judges on Trial* remains the apt title.

Sir John Thomas

President of the Queen's Bench Division

June 2013

Postscript from the authors (July 2013): since he wrote this Foreword, Sir John Thomas was appointed Lord Chief Justice of England and Wales, with effect from 1 October 2013.

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

ACKNOWLEDGMENTS

Judicial independence, as a core condition for a democratic state, engages all of civil society. The first edition of Shetreet's *Judges on Trial: a Study of the Appointment and the Accountability of the English Judiciary* (1976, North-Holland Publishing Company) was the first book in which the corpus of rules, assumptions or standards, and practices that shape the culture of independence within the English judiciary were made explicit. Thirty-seven years later, our aim is to offer a distinctive contribution to the modern meaning and practice of the vexed notion of 'judicial independence'. This book provides a systematic discussion of the requirements of judicial independence and accountability, buttressed by interviews with leading judges and jurists. The text takes into account developments until mid-January 2013, when the book was presented for publication. It has been possible to acknowledge further events, until the end of April 2013, but only in the footnotes. We have been involved in the International Project of Judicial Independence (of the International Association of Judicial Independence, sponsored by the Hebrew University and the University of Cambridge) of which Professor Shetreet is the general coordinator and Dr Turenne is a member. We drew on this project in the course of writing this book, as well as on the publications that accompany the regular meetings of scholars involved with this project. Our sincere thanks go to those participants.

Professor Shetreet expresses his gratitude to the University of Cambridge Faculty of Law for his appointment as a Herbert Smith Visiting Professor in 2008, and his revisit to the university in 2010. He is also grateful to Clare College, Cambridge, for his appointment as Senior Academic Visitor in the years 2008, 2010 and 2011 (Michaelmas Term). In addition, Professor Shetreet expresses his gratitude to the Hebrew University, to the Faculty of Law at the Hebrew University of Jerusalem and to the Harry and Michael Sacher Institute of Comparative Law at the Hebrew University of Jerusalem, for supporting the project of writing this book.

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

ACKNOWLEDGMENTS

ix

Dr Turenne owes a debt of gratitude to a large number of people who have facilitated this research. She gives hearty thanks to John Bell for being available when needed and his helpful comments on ideas or drafts, and to Anja Seibert-Fohr for enabling her stay, and the fruitful discussions which followed, at the Max Planck Institute in Heidelberg in 2011. This research was partly funded by Murray Edwards College, Cambridge. Albertina Albors-Llorens, Paola Filipucci, Isabelle Guinard and Eleanor O’Gorman were true supporters; her partner, Jonathan, and her parents lived through the writing process with her and kept her son, Jérôme, away from her desk – but they all offered welcome distractions too. Dr Turenne dedicates this work to the memory of her grandmother, Estelle Bénazéraf. Carolyn Fox, Finola O’Sullivan and Richard Woodham, from Cambridge University Press were most efficient and reliable in overseeing the publishing process.

We wish to express our deep gratitude to all the judges and senior jurists who gave generously of their time. Their help increased our understanding of the contemporary issues of the English judiciary. Sophie Briant, the Honourable Mr Justice Hickinbottom, Her Honour Judge Isobel Plumstead, the Right Honourable Lord Justice Beatson, the Right Honourable Lady Hallett, the President of the Queen’s Bench Division, the Right Honourable Sir John Thomas, Robin Auld, Lord Phillips and the late Lord Bingham deserve particular mention. Any deficiencies are entirely our own.

TABLE OF CASES

UK

- A v. Home Secretary (No. 2) [2005] UKHL 71 2.14(42); 8.10(369)
- A v. Secretary of State for the Home Department [2004] UKHL 56 2.13(39)
- A v. Secretary of State for the Home Department [2005] 2 WLR 87 2.12(37)
- Addis v. Crocker [1961] 1 QB 11 7.3(276)
- Ahnee and others v. Director of Public Prosecutions [1999] 2 WLR
1305 (PC) 8.41(407); 8.46(413)
- Allinson v. General Council of Medical Education and Registration (1894)
1 QB 750 5.20(217)
- Ambard v. Attorney General for Trinidad and Tobago [1936] AC 322 8.45(412)
- Almeida v. Opportunity Equity Partners Ltd [2006] UKPC 44 5.22(223)
- Amjad and others v. Steadman-Byrne [2007] EWCA Civ 625 5.1(179); 5.6(195)
- Anderson v. Gorrie [1895] 1 QB 668 7.1(273); 7.5(278); 7.31(320)
- Ansar v. Lloyds TSB Bank Plc [2006] EWCA Civ 1462 5.18(214); 5.31(241)
- Anufrijeva v. Southwark London Borough Council [2003] EWCA Civ 1406 7.7(281)
- Arenson v. Arenson [1977] AC 405 7.3(275)
- Arenson v. Casson [1975] 3 WLR 815 (HL) 7.3(276)
- Arthur JS Hall & Co v. Simons [2002] 1 AC 615 1.2(5); 7.1(273)
- Ashby v. White (1705) 2 Ld. Raym. 938; 92 Eng. Rep. 126 2.10(32)
- Assange v. The Swedish Prosecution Authority (Rev 1) [2012] UKSC 22 3.9(60)
- Attorney General v. Colchester Corporation [1955] 2 QB 207 7.21(302)
- Attorney General v. Guardian Newspapers Ltd (No. 2) [1990] AC 109 8.25(387)
- Attorney General v. Lingle [1995] 1 SLR 696 8.42(408)
- Attorney General's Reference (No. 1 of 1990) 95 Cr App R 296 3.42(97)
- Attorney General's Reference (No. 2 of 2001) [2003] UKHL 68 3.42(97)
- AWG Group v. Morrison Ltd [2006] EWCA Civ 6 1.2(4); 5.4(187–189)
- AXA General Insurance Ltd v. Lord Advocate (Scotland) [2011] UKSC 46 2.15(45)
- Baigent and Anor v. The Random House Group Ltd [2007] EWCA Civ 247 5.21(222)
- Baker v. Quantum Clothing Group and others [2009] EWCA Civ 499 (CA) 5.8(199)
- Bennett v. Southwark London Borough Council (Bennett) [2002] ICR 881 8.40(406)
- Birmingham City Council v. Yardley [2004] EWCA Civ 1756 5.15(208)
- Bolkiah v. State of Brunei Darussalam [2007] UKPC 62 5.8(198)

TABLE OF CASES

xi

- Bond v. Dunster Properties Ltd [2011] EWCA Civ 455 5.24(228; 230)
 Bottomley v. Brougham [1908] 1 KB 584 7.3(275)
 Brassington v. Brassington [1962] P 276 5.6(195); (12); 5.2(183); 5.21(220)
 Brown v. Stott [2001] 2 WLR 817 5.1(179)
 Bynner v. The Queen (1846) 9 QB 523 7.20(301)
 C v. DPP (1996) AC 1 1.2(5)
 Cadder v. HM Advocate [2010] UKSC 43 3.27(78–79)
 Campbell v. MGN Ltd [2004] UKHL 22 2.14(40)
 Case of Commendams, Colt & Glover v. Bishop of Coventry & Lichfield 80 ER 290
 (KB) (1616) 2.3(23)
 Case of the Proclamations, 12 Co Rep 74; (1610) 77 ER 1352 2.3(23)
 Cassell and Co Ltd v. Broome (No. 1) [1972] 2 WLR 645 5.29(237–238)
 CDC2020 v. Ferreira [2005] EWCA Civ 611 3.42(98)
 Chagos Islanders v. The Attorney General, Her Majesty’s British Indian Ocean
 Territory Commissioner [2004] EWCA Civ 997 7.7(281)
 Chief Baron John Walter’s Case (1630) 3 Coke Reports 203 2.3(23); 7.12(288)
 Clancy v. Caird (No. 1) 2000 SC 441, [2000] HRLR 557 4.18(24)
 Cobham v. Frett [2001] 1 WLR 1775 3.42(97); 5.24(228)
 Cohen and Bateman [1909] 2 Cr App R 197 5.23(225)
 Colt and Glover v. Bishop of Coventry sub nom. Hobart 140, 80 ER 290 2.3(23)
 Constantinou v. Wilmot Josife [2010] EWCA Civ 747 5.28(235–236)
 Cooper v. HM Attorney General [2010] EWCA Civ 464 5.2(183)
 Co-operative Group (CWS) Ltd v. International Computers Ltd [2003] EWCA
 Civ 1955 5.2(183)
 Darker v. Chief Constable of the West Midlands [2001] 1 AC 435 7.1(273)
 Davidson v. Scottish Ministers (No. 2) [2005] 1 SC (HL) 7 5.4(188)
 Dawkins v. Lord Rokeby [1873] LR 8 QB 255 7.1(273); 7.3(276)
 De-Winter Heald v. Brent LBC [2010] 1 WLR 990 5.1(182)
 Dimes v. Proprietors of Grand Junction Canal (1852) 3 HL Cas 759 5.12(203–204);
 5.4(187)
 Dobbs v. Triodos Bank NV [2005] EWCA Civ 468 5.18(214)
 DPP v. Humphreys [1977] AC 1 3.10(61)
 Dr Bonham’s Case (1608) 8 Coke Reports 107a, 77 ER 638 2.4(26); 5.1(182)
 Dr Sacheverell’s Case (1709) 4 Hatsell 265 7.25(308); 7.26(308–309)
 Drury v. BBC and another [2007] All ER (D) 205 5.1(181); 5.18(214)
 E v. Merchant Taylors School [2009] EWCA Civ 1050 5.16(209)
 Earl of Derby’s Case (1613) 77 ER 1390 5.1(182)
 El-Faragy v. El-Faragy (2007) EWCA Civ 1149 5.6(194–195)
 English v. Emery Reimbold and Strick Ltd [2002] 1 WLR 2409 (CA) 1.2(5)
 Ex parte Blackburn (No. 2) [1968] 2 WLR 1201 8.33(395); 8.41(407); 8.45(412)
 Ex parte Ramshay (1852) 18 QB 174 7.15(292); 7.11(287); 7.31(320)
 Ezsias v. North Glamorgan NHS Trust [2007] EWCA Civ 330 5.6(196)

Facey v. Midas Retail Ltd [2000] IRLR 812 5.31(241)

Flaherty v. National Greyhound Club Ltd [2005] EWCA Civ 1117 5.8(199); 5.9(201)

Floyd v. Barker (1607) 77 ER 1305 7.1(273); 7.3(276)

FM v. Sir Jan Peter Singer and others [2004] EWHC 793 7.7(280)

Frampton [1917] 12 Cr App R 202 5.22(225)

Fray v. Blackburn (1863) 122 ER 7.1(273)

Fuller’s Case (1607) 77 ER 1322 2.3(23)

Gardiner Fire Ltd v. Jones [1998] All ER (D) 474 5.2(184); 5.24(229)

Garnett v. Ferrand (1827) 6 B & C 611 1.2(5); 7.1(273); 7.3(276)

Ghaidan v. Godin-Mendoza [2004] UKHL 30 2.14(42)

Gillies v. Secretary of State for Work and Pensions [2006] UKHL 2 5.7(197);
 5.8(198–199)

Goold v. Evans & Co [1951] 2 TLR 1189 1.4(12); 5.2(183)

Goose v. Wilson Sandford [1998] EWCA Civ 245 5.24(228)

Great Charte v. Kennington (1730) 2 StR 1173 5.4(187)

Green and the Hundred of Buccle-Churches 74 ER 294 (1 Leo. 323) 7.5(279)

Groenvelt v. Burwell 91 ER 343 (KB 1700) 7.1(273)

Guardian v. Ministry of Justice, Information Tribunal, EA/2008/0084, 10 June
 2009 7.13(290)

Habib Bank Ltd v. Liverpool Freeport (Electronics) Ltd [2004] EWCA Civ 1062
 3.42(204)

Haggart’s Trustees v. Lord President (1824) 2 Shaws Rep. 125 7.1(273)

Hamilton v. GMB Northern Region [2007] IRLR 391 5.8(200)

Hammond v. Howell (1674) 86 ER 1035 7.4(278)

Harcourt v. Fox (1693) 1 Show KB 425 7.11(285)

Heath v. Metropolitan Police Commissioner [2004] EWCA Civ 943 7.3(275–276)

Helow v. Secretary of State for the Home Department [2008] 1 WLR 2416 5.4(186);
 5.8(198); 5.20(218–219)

Hester v. McDonald [1961] SC 370 7.3(276)

HM Treasury v. Ahmed [2010] UKSC 2 2.14(42)

Hinds v. Liverpool County Court and others [2008] EWHC 665 7.7(280)

Hobbs v. Tinling [1929] 2 KB 1 5.2(183); 5.21(220)

Hoekstra v. HM Advocate (No. 3) [2000] HRLR 410 8.9(368)

Howell v. Lees Millais [2007] EWCA Civ 720 5.16(210–211)

In re B (Children) (FC) [2008] UKHL 35 5.24(230)

In re Medicaments and Related Classes of Goods (No. 2) [2000] EWCA Civ 350
 5.4(189); 5.7(197); 5.8(199)

Jameel v. Wall Street Journal Europe SPRL (No. 3) [2007] 1 AC 359 5.2(183–184)

Jones v. DAS Legal Expenses Insurance Co Ltd [2003] EWCA Civ 1071 5.5(191–192)

Jones v. National Coal Board [1957] 2 QB 55 5.21(220)

Kataria v. Essex Strategic Health Authority [2004] EWHC 641 (Admin) 5.7(197)

Kay v. Lambeth LBC [2006] UKHL 10 5.29(238)

Laker Airways Inc v. FLS Aerospace Ltd [2000] 1 WLR 113 5.15(208)

TABLE OF CASES

xiii

Lane v. Wills [1972] 1 WLR 326 5.29(236)
 Laurence v. Thomas [2003] QB 528 5.4(187)
 Lawal v. Northern Spirit Ltd [2003] UKHL 35 5.1(189); 5.7(197–198); 5.8(198–199);
 5.15(209)
 Locabail (UK) Ltd v. Bayfield Properties Ltd and another [2000] QB 451 5.7(198);
 5.8(200); 5.10(202); 5.12(204–205); 5.13(206); 5.16(210); 5.18(214); 5.31(241);
 6.13(262); 8.6(363)
 Lord Bruce’s Case (1728) 2 Strange 819; 93 ER 870 7.21(301)
 Manchester City Council v. Pinnock [2010] UKSC 45 4.39(153); 5.29(238)
 Manisty v. Kenealy (1876) 24 WR 918 7.19(300)
 Marrinan v. Vibart [1963] 1 QB 502 7.3(275)
 Marshalsea Case (1613) 10 Co Rep 68b; (1613) 77 ER 1027 2.3(23); 7.4(278)
 Martin v. Lord Advocate [2010] UKSC 10 2.5(45)
 Matthews v. Ministry of Defence [2003] UKHL 4 7.5(279)
 McKennitt v. Ash [2006] EWCA Civ 1714 5.2(183–184)
 McLeod v. St Aubyn [1899] AC 549 8.40(406); 8.41(407)
 Meadow v. General Medical Council [2007] 1 All ER 1 8.23(383)
 Mears v. R [1993] 1 WLR 818 5.22(225)
 Metropolitan Properties Ltd v. Lannon [1969] 1 QB 577 1.2(4); 5.7(197); 5.13(206)
 Millar v. Dickson [2002] 1 WLR 1615 (PC) 5.5(191)
 Millar v. Procurator Fiscal, Elgin [2000] UKPC D4 [2002] 1 WLR 1615 4.18(124)
 Miller v. Seare (1773) 96 ER 673 7.5(279)
 Mostyn v. Fabrigas (1774) 98 ER 1021 7.4(278)
 Munster v. Lamb (1883) 11 QBD 588 7.1(273); 7.3(275)
 National Assembly of Wales v. Condron [2006] EWCA Civ 1573 5.6(194)
 Nye Saunders & Partners v. Alan E Bristow (1987) 37 BLR 92 5.15(208)
 O’Brien v. Ministry of Justice [2010] UKSC 34 4.48(174)
 O’Brien v. Ministry of Justice [2013] UKSC 6 4.48(174)
 O’Connor v. Waldron [1935] AC 76 7.3(275)
 O’Reilly v. Mackman [1982] 3 WLR 604 7.3(276)
 Onslow’s and Whalley’s Case (1873) LR 9 QB 219 8.40(406)
 Paty’s Case (1705) 2 Ld. Raym. 1105, 92 ER 232 2.10(32); 7.43(337)
 Pepper (Inspector of Taxes) v. Hart [1992] 1 All ER 42 7.32(321)
 Percy v. Board of National Mission of the Church of Scotland [2005] UKHL 73
 4.48(175)
 Perera v. R [1951] AC 482 (PC) 8.40(406)
 Peter v. Kendel (1827) 6 B & C 703, 108 ER 610 7.21(301)
 Porter v. Magill [2001] UKHL 67 3.42(97); 5.1(181–182); 5.7(197–198); 5.8(199);
 5.22(223)
 Pretty v. Director of Public Prosecutions and Secretary of State for the Home
 Department [2001] UKHL 61 2.14(43); 8.30(391)
 Procurator Fiscal v. Watson and Burrows [2002] UKPC D1 3.42(97)
 Prohibitions Del Roy Mich 5 Jacobi 1; (1608) 77 ER 1342 2.3(23)

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

- QiuYeu (unreported) Southwark Crown Court (2009) *Law Society Gazette*, 21 May 2009, 22 May 2009 and 17 March 2010 4.23(129)
- Quinland v. Governor of Swaleside Prison [2002] EWCA Civ 174 7.3(275)
- R (A) v. Croydon LBC [2009] 1 WLR 2557 5.1(182)
- R (Alconbury Developments Ltd) v. Secretary of State for the Environment [2003] 2 AC 295 5.1(182)
- R (Anderson) v. Secretary of State for the Home Department [2002] UKHL 46 2.14(41)
- R (Brooke) v. Parole Board [2008] EWCA Civ 29 1.2(7)
- R (Butler) v. HM Coroner for the Black Country District [2010] EWHC 43 (Admin) 5.16(210)
- R (Cart) v. UT [2011] UKSC 28; [2012] 1 AC 3.8(59); 4.28(135)
- R (Chief Constable of Lancashire) v. Crown Court at Preston [2001] EWHC 928 (Admin); [2002] 1 WLR 1332 5.1(180)
- R (Countryside Alliance) v. Attorney General [2007] UKHL 52 2.15(45)
- R (F and Thomson) v. Secretary of State for the Home Department [2010] UKSC 17 8.38(404)
- R (Gentle) v. Prime Minister [2008] UKHL 20 2.14(40)
- R (Georgiou) v. Enfield LBC [2004] EWHC 779 (Admin) 5.6(194)
- R (Gillan) v. Metropolitan Police Commissioner [2006] UKHL 12 4.35(145)
- R (Guest) v. Director of Public Prosecutions [2009] EWHC 594 (Admin) 3.10(62)
- R (Jackson) v. Attorney-General [2005] UKHL 56 2.15(45); 8.8(366)
- R (Jones) v. First-tier Tribunal (Social Entitlement Chamber) [2013] UKSC 19 3.8(59)
- R (Kehoe) v. Secretary of State for Work and Pensions [2005] UKHL 48 7.5(279)
- R (King) v. SSJ [2010] EWCA Crim. 2522 5.1(181)
- R (L) v. Secretary of State for Justice [2009] EWCA Civ 2416 5.1(182)
- R (Lewis) v. Redcar and Cleveland BC Longmore [2009] EWHC 954 5.6(194)
- R (MR (Pakistan)) v. UT (Immigration and Asylum Chamber) and SSHD [2011] UKSC 28 4.28(135)
- R (Persimmon Homes) v. Vale of Glamorgan Council [2010] EWHC 535 (Admin) 5.6(194); 5.8(199)
- R (Pounder) v. HM Coroner for North and South Districts of Durham and Darlington [2010] EWHC 328 (Admin) 5.9(201)
- R (Purdy) v. Director of Public Prosecutions [2009] EWCA Civ 92 5.29(238)
- R (Purdy) v. Director of Public Prosecutions [2009] UKHL 45 2.14(40); 3.11(62); 8.7(366); 8.30(391)
- R (Q) v. Secretary of State for the Home Department [2004] QB 36 8.38(403)
- R (Q, D, J, M, F and B) v. SSHD (2003) EWHC 195 (Admin) 8.38(403)
- R (S) v. Chief Constable of South Yorkshire [2004] UKHL 39 5.29(239)
- R (S) v. SSHD (2006) EWHC 1111 8.38(402)
- R (Shoosmith) v. OFSTED and others [2011] EWCA Civ 642 8.31(393–394)

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

TABLE OF CASES

xv

- R (Ullah) v. Special Adjudicator [2004] UKHL 36 2.14(42–43)
- R (Woolas) v. Speaker of the House of Commons [2010] EWHC 3169 (Admin) 6.6(250)
- R v. Abdroikov [2007] 1 WLR 2679 4.27(134); 5.2(182); 5.7(198); 5.8(198–199); 5.9(201)
- R v. Aboulkadir and others [2009] EWCA Crim 956 (20 May 2009) 5.25(232)
- R v. Almon (1765) Wilm 243; 97 ER 94 8.41(407)
- R v. Bailiffs of Ipswich (1706) 2 Salkeld 435; 91 ER 378 7.21(301)
- R v. Barnes (1970) Cr App R 100 5.26(233)
- R v. Barnsley Licensing Justices, ex parte Barnsley and District Licensed Victuallers' Association [1960] 2 QB 167 5.1(179)
- R v. Behman [1967] Crim LR 597 5.26(234)
- R v. Bentley [2001] 1 Cr App R 307 5.23(225–226); 8.24(386)
- R v. Betson [2004] EWCA Crim 254 CA (Crim Div) 5.21(221)
- R v. Biage (1561) 73 Eng. Rep. 436 7.21(301)
- R v. Bingham Justices, ex parte Jowitt (1974) QBD 5.6(193)
- R v. Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No. 2) [2001] 1 AC 119 5.4(189–190); 5.20(216); 5.20(218–219)
- R v. Bristol Betting and Gaming Licensing Committee, ex parte O'Callaghan [2000] QB 451 5.12(204); 6.13(263)
- R v. Cain (1936) 25 Cr App R 204 5.22(204)
- R v. Camborne Justices, ex parte Pearce [1955] 1 QB 41 5.12(204)
- R v. Cameron [2001] EWCA Crim 562 5.22(224)
- R v. Cannings [2004] 1 WLR 2607 8.23(383–384)
- R v. Canny [1945] 30 Cr App R 143 5.22(224)
- R v. Clewer (1953) 37 Cr App R 37 5.22(224)
- R v. Colsey, ex parte Director of Public Prosecutions, The Times, 9 May 1931 8.43(408)
- R v. Conlon, The Times 20 October 1989 8.25(387)
- R v. Copsy [2008] EWCA Crim 2043 5.22(225)
- R v. Director of Public Prosecutions, ex parte Kebeline and others [1999] UKHL 43 3.10(61)
- R v. Editor of The New Statesman, ex parte Director of Public Prosecutions (1928) 44 TLR 300 8.42(407–408)
- R v. Eston (1562) 2 Dyer 198a; 73 Eng. Rep. 437 7.21(301)
- R v. Ford [1989] QB 868 5.19(216)
- R v. Furlong and others 34 Cr App R 79 5.21(221)
- R v. G [2008] UKHL 37 4.35(145)
- R v. Gilson (1944) 29 Cr App R 174 5.22(200); 5.27(235)
- R v. Goodyear (Karl) [2005] EWCA Crim 888 3.10(61); 5.26(234)
- R v. Gough [1993] AC 646 5.7(197); 5.12(205)
- R v. Gray [1900] 2 QB 36 8.40(406)

Cambridge University Press

978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the English Judiciary: Second Edition

Shimon Shetreet and Sophie Turenne

Frontmatter

[More information](#)

- R v. Green [2007] UKHL 37 5.9(201); 7.5(279)
 R v. Hamilton [1969] Crim LR 486 5.22(222)
 R v. Hampden (1637) 3 State Trials 825 7.27(311)
 R v. Harirbafan [2008] EWCA Crim 1967 5.22(224)
 R v. Hasan [2005] UKHL 22; [2005] 2 AC 467 4.35(145)
 R v. Henley [1892] 1 QB 504 5.1(180)
 R v. Hircock [1970] 1 QB 67 5.21(220); 5.25(231)
 R v. Horden [2009] EWCA Crim 388 5.27(235)
 R v. Horncastle [2009] UKSC 14 2.14(43); 4.39(153)
 R v. Hulusi and Purvis (1973) 58 Cr App R 378 5.22(222)
 R v. Inner West London Coroner ex parte Dallaglio [1994] 4 All ER 139 5.6(196); 5.8(199); 5.16(210)
 R v. J [2005] 1 AC 562 4.35(145)
 R v. Kay Gilderdale, Lewes Crown Court (unreported) January 2010 8.14(373)
 R v. Knollys (1695) 1 Ld. Raym. 10; 91 Eng. Rep. 904 2.5(27)
 R v. L [2007] EWCA Crim 764 5.22(224)
 R v. Langham [1972] Crim LR 457 5.21(220); 5.30(240)
 R v. Lashley [2005] EWCA Crim 2016 5.25(232)
 R v. Lee ex parte Shaw (1882) 9 QBD 394 5.1(180)
 R v. Marr [1990] 90 Cr App R 154 5.22(225)
 R v. Marshall (1855) 4 El. & Bl. 475; 119 Eng. Rep. 174 7.21(303)
 R v. Matthews (1984) 78 Cr App R(S) 23 5.22(222)
 R v. McKenna [1960] 1 QB 411 5.21(220); 5.23(226)
 R v. McIlkenny [1992] 2 All ER 417 8.25(387)
 R v. Metropolitan Police Commissioner, ex parte Blackburn (No. 2) [1968] 2 QB 150 8.33(395); 8.41(407); 8.45(412)
 R v. Minister of Labour, ex parte National Trade Defence Association [1931] 47 TLR 8.43(408)
 R v. Mirza [2004] 1 AC 1118 7.3(276)
 R v. Mitchell [2004] EWCA Crim 1665 5.23(227)
 R v. Perks [1973] Crim LR 388 5.22(224)
 R v. Perren (2009) EWCA Cr App 348 5.22(223–224)
 R v. Ptohopoulos (1968) Crim LR 52 5.25(231)
 R v. Pwllheli Justices, ex parte Soane [1948] 2 All ER 815 5.1(180)
 R v. Rand (1866) LR 1 QB 230 5.12(204)
 R v. S. [2010] 1 WLR 2511 5.18(213)
 R v. Secretary of State for the Home Department, ex parte Fire Brigades Union [1995] 2 AC 513 1.7(19)
 R v. Secretary of State for the Home Department, ex parte Fayed [2001] Imm AR 134 (191)
 R v. Secretary of State, ex parte Kirkstall Valley [1996] 3 All ER 304 5.6(194)
 R v. Secretary of State for the Home Department, ex p Simms [2000] 2 AC 115 2.14(41); 2.15(45)

Cambridge University Press
 978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
 English Judiciary: Second Edition
 Shimon Shetreet and Sophie Turenne
 Frontmatter
[More information](#)

TABLE OF CASES

xvii

- R v. Secretary of State for Transport, ex parte Factortame Ltd [1990] 2 AC 85 7.8(283)
 R v. Secretary of State for Transport, ex parte Factortame Ltd (No. 2) [1991] 1 AC 603 7.8(283)
 R v. Sharp [1994] QB 261 5.22(224)
 R v. Sharp [1998] 94 Cr App R 144 5.22(222)
 R v. Skinner (1772) 98 ER 529 7.3(276)
 R v. Spear [2003] 1 AC 734 1.2(6)
 R v. Sussex Justices, ex parte McCarthy [1924] 1 KB 256 5.1(179)
 R v. Tedjame-Mortty [2011] EWCA Crim 950 5.25(231)
 R v. The Eastern Archipelago Co. (1854) 43 Eng. Rep. 483 7.21(301)
 R v. Toly (1561) 73 Eng. Rep. 436 7.21(301)
 R v. Turner [1970] 2 QB 321 5.26(234)
 R v. Warr (1969) Crim LR 527(237)
 R v. Wells (1767) 98 Eng. Rep. 41 7.21(301)
 R v. Wilkes (1770) 4 Burr 2527; 98 Eng. Rep. 327 8.29(390)
 R (GC) v. Commissioner of the Police of the Metropolis [2010] EWHC 2225 (Admin) 5.29(239)
 Randall v. R [2002] 2 Crim App R 267 5.21(220–221)
 Re McC (A minor) [1985] AC 528 7.1(275); 7.4(277–278); 7.5(278); 7.45(354)
 Re P (A Barrister) [2005] 1 WLR 3019 5.8(199); 7.19(298)
 Re Wright [2007] NICA 24 6.7(255)
 Red River UK Ltd v. Sheikh [2009] EWHC 3257 (Ch) 5.6(193); 5.9(202)
 Rolled Steel v. British Steel [1985] 2 WLR 908 5.24(228)
 Rothermere v. Times Newspapers Ltd [1973] 1 All ER 1013 5.18(214)
 Roy v. Prior [1971] AC 470 7.1(275)
 Royal Aquarium and Summer and Winter Garden Society Ltd v. Parkinson [1892] 1 QB 431 7.3(275)
 Sanders v. Chichester (1994) SJ 225 6.6(250)
 Scott v. Scott [1913] AC 417 8.48(418)
 Seldon v. Clarkson Wright and Jakes [2012] UKSC 16 6.16(267)
 Sharon Shoesmith v. OFSTED and others [2010] EWHC 852 (Admin) 8.31(393)
 Sirros v. Moore (1975) QB 118 1.2(5); 7.1(273); 7.3(275); 7.4(277–278); 7.5(278); 7.45(354)
 Skipworth's Case (1873) LR 9 QB 230 8.40(406)
 Slingsby's case (1680) 3 Swans 178; 36 ER 821 7.12(288)
 Smith v. Kvaerner Cementation Foundations Ltd (Bar Council intervening) [2006] EWCA Civ 242 5.5(191;193); 5.15(209)
 Southwark LBC v. Jimenez [2003] EWCA Civ 502 5.6(193–195); 5.31(241)
 Spiers (Procurator Fiscal) v. Ruddy [2007] UKPC D2 3.42(97)
 Secretary of State for the Home Department v. AF [2009] UKHL 28 1.5(14)
 SSHD v. Rehman [2002] 1 ALL ER 122 5.26(234)
 Stansbury v. Datapulse Plc UKEAT 966 98 0905, [2001] ICR 287 5.31(241)

Starrs v. Procurator Fiscal, Linlithgow [2000] HRLR 191 4.18(124)
 Starrs v. Ruxton 2000 JC 208; The Times 17 November 1999 1.7(18)
 Stevenson v. Watson [1879] 4 CPD 148 7.3(276)
 Stewart v. Secretary of State for Scotland 1998 SC (HL) 81 7.18(296)
 Stowball v. Ansell 90 ER 377 7.3(276)
 Sutcliffe v. Thackrah [1974] AC 727 7.3(276)
 Sutton v. Johnstone (1786) 99 ER 1215 7.3(276)
 Swain-Mason and others v. Mills & Reeve [2011] EWCA Civ 14 5.18(212)
 Taaf v. Downes (1813) 13 ER 15 7.1(273)
 Taylor v. Director of the Serious Fraud Office [1991] 2 AC 177 7.3(276)
 Taylor v. Lawrence [2003] QB 528 5.4(188); 5.15(208)
 Terrell v. Secretary of State for the Colonies [1953] 2 QB 482 7.31(320)
 The Case of Prohibitions (1607) 77 ER 1342 2.3(23); 2.4(26)
 The Earl of Shrewsbury's Case (1609) 9 Coke Reports 42a 7.11(286)
 Thoburn v. Sunderland City Council [2003] QB 151 4.38(151)
 Thomson v. Sheriff Kenneth Ross and others [2000] Scot CS 202 7.3(276)
 Timmins v. Gormley [2000] 1 All ER 65 5.18(215–216); 6.2(246); 8.9(367)
 Trapp v. Mackie [1979] WLR 377 7.3(275)
 Tughan v. Craig [1918] 2 IR 245 7.1(273)
 Vidyasagara v. The Queen [1963] AC 589 8.43(408)
 Virdi v. Law Society [2010] EWCA 100 5.8(199)
 Vagon International Ltd v. Serious Fraud Office [2004] EWCA Civ 104
 5.2(183–184)
 Woodside (Alexander) v. HM Advocate [2009] HCJAC 19 (HCJ) 4.23(129)
 Yuill v. Yuill [1945] P 15 5.21(220); 5.22(224)

Parliamentary cases

Abinger's Case (1843) 66 Parl. Deb., 3rd Ser., 1129 7.35(326); 7.37(328); 7.41(333);
 7.44(340; 346–347)
 Barrington's Case (1830) Parl. Deb., 2nd Ser., 484 7.21(301); 7.30(317); 7.32(322);
 7.33(324); 7.35(326); 7.36(327); 7.39(330–332); 7.40(332–333); 7.41(334–335);
 7.44(340; 345; 346)
 Best's Case (1821) 4 Parl. Deb., New Ser., 918 7.23(304–305); 7.30(317); 7.36(327);
 7.40(333); 7.43(337); 7.44(342)
 Ellenborough's Case (1816) 34 Parl. Deb., 1st Ser., 104 7.23(304–305); 7.34(325);
 7.36(327); 7.37(328); 7.44(340; 342)
 Fox's Case (1806) 7 Parl. Deb., 752 7.21(301); 7.22(303); 7.30(317); 7.36(326–327);
 7.42(335–336); 7.44(340–341; 348)
 Grantham's Case (1906) 160 Parl. Deb., 4th Ser., 369 7.29(313); 7.32(322–323);
 7.34(325); 7.35(326); 7.36(326); 7.37(328–329); 7.41(335); 7.44(340; 348; 350–351)
 Gurney's Case (1843) 69 Parl. Deb., 3rd Ser., 189 7.37(327); 7.44(347)

TABLE OF CASES

xix

Kelly’s Case (1867) 185 Parl. Deb., 3rd Ser., 257 7.12(288); 7.32(323); 7.36(327);
 7.37(327); 7.40(333); 7.44(349)
 Kenrick’s Case (1825) 13 Parl. Deb., 2nd Ser., 1138 7.12(288); 7.23(304–305);
 7.28(313); 7.30(317); 7.36(327); 7.37(327–328); 7.38(330); 7.39(330); 7. 40(332);
 7.41(334); 7.43(339); 7.44(340)
 McCardie’s Case 175 HC Deb 6(23 June 1924) 7.32(322); 7.41(335); 7.44(352)
 McClelland’s Case (1819) 40 Parl. Deb., 1st Ser., 851 7.23(305); 7.36(327); 7.37(328)
 Monahan’s Case (1861) 163 Parl. Deb., 3rd Ser., 984 7.44(340)
 O’Grady’s Case (1823) 9 Parl. Deb., 2nd Ser., 360 7.21(301); 7.29(315); 7.30(317);
 7.32(322); 7.35(326); 7.36(327); 7.39(330); 7.40(332–333); 7.41(334);
 7.44(340; 343)
 Page’s Case (1722) 7 Parl. Hist. 962 7.40(332); 7.44(340)
 Smith’s Case (1834) 21 Parl. Deb., 3rd Ser., 694 7.34(325); 7.37(327–328); 7.38(330);
 7.39(330); 7.40(333); 7.41(333; 335); 7.44(340); 7.45(345)
 Westbury’s Case (1865) 177 Parl. Deb., 3rd Ser., 1203 7.44(349)
 Torrens’ Case (1856) 140 Parl Deb, 3rd Ser., 1544 7.23(304–305); 7.35(326);
 7.44(340; 348)

European Court of Human Rights

A v. UK (2003) 36 EHRR 51 7.5(279)
 Al-Khawaja v. UK (2009) 49 EHRR 1 7.5(279); 2.14(43); 4.39(153); 5.29(238)
 Al-Khawaja v. UK [2011] ECHR 2127 7.5(279); 2.14(43); 4.39(153); 5.29(238)
 Amihalachioaie v. Moldova (2004) 17 BHRC 689 8.46(414)
 Buscemi v. Italy [1999] ECHR 70 8.9(367)
 D v. Ireland App. no. 11489/85 ECtHR 3 December 1986 5.5(191)
 De Cubber v. Belgium (1984) Series A no. 86; (1985) 7 EHRR 236 5.7(198); 5.17(212)
 De Haes Gijssels v. Belgium (1998) 25 EHRR 1 8.43(409–410); 8.46(413–414)
 Deumeland v. Germany (1986) 8 EHRR 448 3.42(97)
 Demicoli v. Malta (1992) 14 EHRR 47 7.43(338)
 Dulaurans v. France (2001) 33 EHRR 45 7.6(50)
 Fey v. Austria (1993) 16 EHRR 387 5.17(212)
 Findlay v. UK (1997) 24 EHRR 221 1.2(7); 5.1(181); 5.7(198)
 Fogarty v. UK (2001) 12 BHRC 132 7.5(279)
 Gillan and Quinton v. UK (2010) 50 EHRR 45 4.35(145)
 Goodwin v. UK (1996) 22 EHRR 123 8.46(414)
 Grande Oriente d’Italia di Palazzo Giustiniani v. Italy (No. 2) App. no. 26740/02
 ECtHR 31 May 2007 5.20(218); 6.10(259)
 Greens and M.T. v. UK App. nos. 60041/08 and 60054/08 ECtHR 23 November
 2010 8.38(404)
 H v. Belgium (1987) 10 EHRR 339 7.5(279)
 Hauschildt v. Denmark (1990) 12 EHRR 266 5.7(198); 5.17(212)

Cambridge University Press
 978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
 English Judiciary: Second Edition
 Shimon Shetreet and Sophie Turenne
 Frontmatter
[More information](#)

XX

TABLE OF CASES

Hirst v. UK (No. 2) [2005] ECHR 681 2.14(41); 4.39(154); 8.38(404)
 James v. UK (1986) 8 EHRR 123 7.5(279)
 Jersild v. Denmark (1994) Series A no. 298, 23 September 1994 8.46(414)
 Kingsley v. UK (2002) 35 EHRR 177 5.4(187); 7.6(280)
 Konig v. Federal Republic of Germany (1978) 2 EHRR 170 3.42(97)
 Kyprianou v. Cyprus (2007) 44 EHRR 27 8.44(410–411)
 Lawrence v. UK App. no. 74660/01 ECtHR 24 January 2002 5.16(210)
 Lingens v. Austria (1986) 8 EHRR 103 8.45(411)
 McGonnell v. UK (2000) 30 EHRR 289 1.2(7); 5.5(191–192)
 Pabla K v. Finland (2004) 42 EHRR 688 5.18(216)
 Pfeifer and Plankl v. Austria (1992) 14 EHRR 692 5.5(191)
 Pinder v. UK (1985) 7 EHRR 464 7.5(279)
 Prager and Oberschlick v. Austria (1995) Series A no. 313; (1996) 21 EHRR 1
 7.5(279); 8.43(410)
 Pretty v. UK (2002) 35 EHRR 1 2.14(43)
 Procola v. Luxembourg (1995) 22 EHRR 193 1.2(7)
 Pullar v. UK (1996) 22 EHRR 391 5.7(198)
 R v. UK [1997] 24 EHRR 221 1.2(6)
 S v. UK (2009) 48 EHRR 50 5.29(239)
 Salaman v. UK App. no. 43505/98 ECtHR 15 June 2000 5.20(217);
 6.10(259)
 Scoppola v. Italy (No. 3) [2012] ECHR 868 8.38(404)
 Sigurdsson v. Iceland [2003] ECHR IV 5.12(204)
 Skalka v. Poland (2004) 38 EHRR 1 8.44(411)
 Sunday Times v. UK (No. 1) (1979–80) 2 EHRR 245 8.45(411–412)
 The Gypsy Council and others v. UK App. no. 66336/01 ECtHR 14 May 2002
 5.18(213–214)
 Thorgeirson v. Iceland (1992) 14 EHRR 843 8.45(411)
 Tsfayo v. UK (2004) 39 EHRR SE22 5.1(182)
 Walston v. Norway, App. no. 37372/97 ECtHR 11 December 2001 5.13(206)
 Wettstein v. Switzerland [2000] ECHR 695 5.13(406)
 Wingrove v. UK (1996) 24 EHRR 1 8.45(411)

Court of Justice of the European Union

Case 106/77, Amministrazione delle Finanze dello Stato v. Simmenthal [1978]
 ECR 629 7.8(283)
 Joined cases C-46/93 and C-48/93, Brasserie du Pêcheur SA v. Federal Republic of
 Germany, R v. Secretary of State for Transport ex parte Factortame Ltd and others
 [1996] IRLR 267 7.8(282)
 Case C-393/10, Dermot Patrick O'Brien v. Ministry of Justice, 1 March 2012
 8.41(407); 8.45(412)

TABLE OF CASES

xxi

- Case 6/64, *Flaminio Costa v. ENEL* [1964] ECR 585 4.38(150); 7.8(283)
 Case 11/70, *Internationale Handelsgesellschaft mbH v. Einfuhr- und Vorratsstelle für
 Getreide und Futtermittel* [1970] ECR 1125 7.8(283)
 Case C-224/01, *Köbler v. Republik Österreich* [2003] ECR I-10239 7.8(282–283)
 Joined Cases C-4/02 and C-5/02, *Schönheit and Becker* [2003] ECR I-12575
 4.48(174)
 Case C-213/89, *R v. Secretary of State for Transport, ex parte Factortame Ltd and
 others* [1990] ECR I-2433 7.8(283); 4.38(151)
 Case C-173/03, *Traghetti del Mediterraneo SpA v. Repubblica Italiana* [2006] ECR
 I-5177 7.8(282; 284)
 Case C-486/08, *Zentralbetriebsrat der Landeskrankenhäuser Tirols* [2010] ECR
 I-3527 4.48(174)

Australia

- Attorney General for New South Wales v. Munday* [1972] 2 NSWLR 887 8.41(407);
 8.45(412)
Bretherton v. Kaye & Winneke [1971] VR 111 7.3(276)
Clark v. Vanstone (2004) 81 ALD 21 7.18(295)
Clenae Pty. Ltd and others v. Australia and New Zealand Banking Group Ltd [1999]
 VSCA 35 5.12(204)
Ebner v. Official Trustee (2000) 205 CLR 337 5.4(189)
Ex parte CJL (1986) 161 CLR 342 5.18(214); 8.5(362)
Herald & Weekly Times Ltd v. Popovic (2003) 9 VR 1 8.47(415)
John Fairfax Publications Pty Ltd v. O'Shane [2005] NSWCA 164 8.47(415)
John Fairfax Publications Pty Ltd v. O'Shane (No. 2) [2005] NSWCA 291
 8.47(415)
Johnson v. Johnson (2000) 201 CLR 488 5.8(198)
Kirk v. Industrial Court (NSW) (2010) 239 CLR 531 2.15(46)
Lewis v. Judge Ogden [1984] 153 CLR 682 8.40(406)
M v. Islington LBC [2002] 1 FLR 95 5.1(180)
Mann v. O'Neill 71 ALJR 903 7.3(276)
McCawley v. R (1918) 26 CLR 9 7.30(317); 7.31(320)
McCawley v. R [1920] AC 691 (PC) 7.31(320)
Moll v. Butler (1985) 4 NSWLR 231 7.4(277)
Newcastle City Council v. Lindsay [2004] NSWCA 198 5.18(215); 8.9(367)
Northern Territory of Australia v. Mengel (1996) 185 CLR 307 7.5(278)
Rajski v. Powell (1987) 11 NSWLR 522 7.4(277)
Re JRL, ex parte CJL (1986) 161 CLR 342 5.18(214); 8.5(362)
Shell Co. Australia v. Federal Commissioner of Taxation [1931] AC 275 7.30(317)
Vakauta v. Kelly (1989) 167 CLR 568 8.9(367)
Yeldham v. Rajski (1989) 18 NSWLR 48 7.3(276)

Bahamas

Jervis v. Skinner [2011] UKPC 2 3.42(97)
 In the Matter of a Special Reference from the Bahama Islands [1893] AC 138
 8.40(406); 8.41(407)
 Takitota v. Attorney General [2009] UKPC 11 7.7(281)

Barbados

Hinds v. Attorney General of Barbados [2001] UKPC 56 7.7(282)

Belize

Meerabux v. The Attorney General of Belize [2005] UKPC 12; [2005] 2 AC 513
 5.8(199); 5.20(217)
 Reyes v. The Queen, R. v. Hughes, Fox v. The Queen [2002] UKPC 11, 12, 13 2.15(44)

Ceylan

Vidyasagara v. The Queen [1963] AC 589 8.43(408)

Canada

Beauregard v. Canada [1986] 2 SCR 56 4.43(159)
 Canada (Attorney General) v. Canada (Commission of Inquiry on the Blood System)
 [1997] 3 SCR 440 6.7(252)
 Mackin v. New Brunswick (Minister of Finance) [2002] 1 SCR 405 4.43(160)
 Manitoba Provincial Judges Assn. v. Manitoba (Minister of Justice) [1997] 3
 SCR 3 4.43(158)
 Minister of National Revenue v. Coopers & Lybrand [1979] 1 SCR 495 7.3(276)
 Morier v. Rivard [1985] 2 SCR 716 7.4(277)
 Provincial Court Judges' Assn. of New Brunswick v. New Brunswick (Minister of
 Justice); Ontario Judges' Assn. v. Ontario (Management Board); Bodner v. Alberta;
 Conférence des juges du Québec v. Quebec (Attorney General); Minc v. Quebec
 (Attorney General) [2005] 2 SCR 286 4.43(160)
 R v. Koptyo (1987) 47 DLR (4th) 213 (Ont. CA) 8.41(407); 8.45(413)
 R v. S (RD) [1997] 3 SCR 484 5.4(189)
 Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island;
 Reference re Independence and Impartiality of Judges of the Provincial Court of
 Prince Edward Island; R v. Campbell; R v. Ekmecic; R v. Wickman; Manitoba
 Provincial Judges Assn. v. Manitoba (Minister of Justice) [1997] 3 SCR 3
 4.43(158–160); 4.44(162); 4.44(164); 4.45(166)
 Reference re Secession of Quebec [1998] 2 SCR 217 4.43(160)

TABLE OF CASES

xxiii

Rice v. New Brunswick (Minister of Finance) [2002] 1 SCR 405 4.43(160)
Valente v. The Queen [1985] 2 SCR 673 4.43(159)

British Crown Dependency: Jersey

Michel v. The Queen [2009] UKPC 41 5.22(224)

Federation of Saint Christopher and Nevis

Fox v. The Queen [2002] UKPC 13 2.15(44)

France

Gestas, 18 June 2008 (n° 295831), Conseil d’Etat 7.8(282)

Gibraltar

Hearing on the Report of the Chief Justice of Gibraltar [2009] UKPC 43 7.18(295)

Grenada

Lawrence v. Attorney General of Grenada [2007] UKPC 18 7.18(295)

Hong Kong

Wong Yeung Ng v. Secretary for Justice [1999] 2 HKLRD 293 (CA) 8.41(407)

India

EMS Namboodiripad v. TN Nambiar AIR 1970 SC 2015 8.44(410)
Narmada Bachao Andolan v. Union of India and Others (1999) 8 SCC 308 8.41(207)

Jamaica

Hinds v. The Queen [1977] AC 195 2.15(44)

Mauritius

Ahnee v. DPP [1999] 2 AC 294 8.40(406)
Badry v. DPP of Mauritius [1982] 3 All ER 973 8.41(407)

New Zealand

Attorney General v. Blomfield (1914) 33 NZLR 545 8.43(408)

Cambridge University Press
 978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
 English Judiciary: Second Edition
 Shimon Shetreet and Sophie Turenne
 Frontmatter
[More information](#)

xxiv

TABLE OF CASES

Auckland Casino Ltd v. Casino Control Authority [1995] 1 NZLR 142 (CA)
 5.12(204)
 Collier v. Attorney General [2002] NZAR 257 (CA) 5.20(219)
 Harvey v. Derrick [1995] 1 NZLR 314 7.4(278)
 Nakhla v. McCarthy [1978] 1 NZLR 291 7.4(277)
 S-G v. Radio Avon Ltd [1978] 1 NZLR 225 8.43(408)
 Simpson v. Attorney General (Baigent's Case) [1994] 3 NZLR 667 7.7(281)
 Solicitor-General v. Radio Avon Ltd [1978] 1 NZLR 225 (CA) 8.41(407)
 Wilson v. Attorney-General [2011] 1 NZLR 399. 7.18(298)

Republic of Ireland

McMenamin v. Ireland [1994] 2 Law Reports Monthly 4.44(162–163)
 O'Byrne v. Minister of Finance [1959] IR 1 4.44(163)
 O'Callaghan v. Mahon [2006] IR 32 6.7(252)

Singapore

Attorney General v. Barry Wain [1991] 2 MLJ 525 8.42(408)

South Africa

In re Phelan (1877) Kotzé 5 8.41(407)
 Industries South Africa (Pty) Ltd v. Metal and Allied Workers' Union [1992] 3 SA
 673 5.12(204)
 S v. Harber and another [1988] ZASCA 34 8.41(407)
 S v. Kaakunga 1978(1) SA 1190 (SWA) 8.41(407)
 South Africa v. Mamabolo (2001) 10 BHRC 493 8.1(357); 8.48(418)

St Lucia

R v. Hughes [2002] UKPC 12 2.15(44)

Trinidad and Tobago

Attorney General of Trinidad and Tobago v. McLeod [1984] 1 WLR 522 7.7(282)
 Attorney General of Trinidad and Tobago v. Romanoop [2005] UKPC 15 7.7(281)
 Benjamin v. Trinidad and Tobago [2012] UKPC 2.15(44)
 Boodhoo v. Attorney General of Trinidad and Tobago [2004] UKPC 17 5.24(228)
 Chokolingo v. Attorney General of Trinidad and Tobago [1981] 1 WLR 106 7.1(274);
 7.6(281)
 Harrikissoon v. Attorney General of Trinidad and Tobago [1980] AC 265 7.7(281)
 Hearing on the Report of the Chief Justice of Gibraltar [2009] UKPC 43 7.18(295)

Cambridge University Press
978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition
Shimon Shetreet and Sophie Turenne
Frontmatter
[More information](#)

TABLE OF CASES XXV

Jaroo v. Attorney General [2002] UKPC 5 7.7(281–282)
Maharaj v. A.-G. of Trinidad and Tobago (No. 2) [1979] AC 385 (PC) 7.4(277)
Suratt v. Attorney General of Trinidad and Tobago [2007] UKPC 55 2.15(44)

US

Doyle v. Hofstader 257 NY 244, 268(1931) 8.29(390)
Laird v. Tatum 93 S. Ct. 7(1972) 5.1(180)
Pennekamp v. State of Florida, 328 US 331(1946) 8.1(358)
United States v. Will 449 US 200(1980) 4.44(162)

TABLE OF LEGISLATION

Administration of Justice Act 1973 4.23(128); 4.41(156); 4.44(161–162); 7.11(289)
 Appellate Jurisdiction Act 1876 3.6(53)
 Appellate Jurisdiction Act 1888 3.6(53)
 British North America Act 1807 4.44(162)
 Constitutional Reform Act 2005 1.2(7–8); (10–11); (13); (16); 2.1(17); 1.7(20);
 2.1(21); 2.11(34–5); 2.12(36); 2.16(46); 3.1(47–48); 3.4(52); 3.7(54); 3.13(65);
 3.14(66–67); 3.17(69); 3.22(72); 3.26(75); 3.27(78–79); 3.34(85–86); 3.36(89);
 3.43(99); 4.1(103); 4.3(105); 4.5(108); 4.6(109–110); 4.7(110–112); 4.9(114);
 4.13(117); 4.15(120); 4.19(124); 4.25(132); 4.29(137); 4.33(141–142); 4.34(143);
 4.35(144); 4.36(147); 4.43(158–9); 4.44(162); 4.47(170); 4.50(177); 5.2(183);
 5.31(241–242); 6.2(246); 6.3(247); 6.5(249); 7.1(272); 7.2(274); 7.10(284–285);
 7.11(286–287); 7.12(288–289); 7.15(292); 7.16(293); 7.22(303); 8.15(375);
 8.18(378–379); 8.36(399); 8.38(401); 9.1(419); 9.2(420); 9.4(421); 9.5(423); 9.6(424);
 9.7(425); 9.9(427)
 Contempt of Court Act 1981 8.40(406)
 Coroners and Justice Act 2009 4.42(157–158)
 County Courts Act 1984 4.18(123); 4.44(161)
 Courts Act 1971 3.22(72); 3.29(81); 3.36(88); 4.23(127–128); 4.44(162); 6.16(267);
 7.11(287)
 Courts Act 2003 3.22(72); 3.23(73); 3.30(82); 3.35(88); 3.36(88); 3.38(91); 6.16(267);
 7.3(276); 7.4(278); 7.5(278); 7.11(287)
 Courts and Legal Services Act 1990 3.3(50); 3.17(69); 3.24(74); 3.37(90); 4.17(123);
 4.18(123); 4.23(128); 4.44(161); 6.13(261)
 Crime and Disorder Act 1998 1.2(5)
 Criminal Justice Act 1988 5.21(222); 7.6(280)
 Criminal Justice Act 2003 2.14(41); 3.11(62); 3.40(94); 8.36(399)
 Crown Proceedings Act 1947 7.6(279); 7.8(283); 7.21(302); 7.45(355)
 Employment Act 2002 4.31(139)
 Employment Rights Act 1996 4.31(139)
 Equality Act 2010 4.15(120); 4.35(144); 4.38(152)
 Factories Act 1961 5.1(180)
 Financial Emergency Measures in the Public Interest (No. 2) Act 2009 4.44(163)
 Government of Wales Act 2006 2.15(44); 3.6(53)

Cambridge University Press
 978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
 English Judiciary: Second Edition
 Shimon Shetreet and Sophie Turenne
 Frontmatter
[More information](#)

TABLE OF LEGISLATION xxvii

House of Commons Disqualification Act 1975 6.2(246)

Human Rights Act 1998 1.1(3); 1.2(7); 1.5(14); 1.7(19); 2.1(21); 2.12(36–37); 2.13(38);
 2.14(39); 2.14(41–44); 2.16(46); 3.7(55); 4.36(147); 4.39(153); 5.29(238); 6.4(249);
 6.8(256); 7.1(274); 7.5(279); 7.7(280–281); 7.43(337); 8.1(358); 8.16(375); 8.17(377);
 8.26(388); 8.36(400); 8.39(405); 8.41(406); 9.2(420); 9.3(421); 9.4(421)

Inquiries Act 2005 6.7(251); 6.7(255); 6.8(257)

Judges’ Remuneration Act 1954 4.44(161)

Judges’ Remuneration Act 1965 4.44(161)

Judges Remuneration and Conditions of Employment Act No. 42 2001 4.43(158)

Judicature Act 1873 3.21(70)

Judicial Offices (Salaries) Act 1952 4.44(161)

Judicial Offices (Salaries and Pensions) Act 1957 4.44(161)

Judicial Pensions and Retirement Act 1993 4.47(170–171); 4.47(173); 6.16(267);
 7.11(287)

Justices Jurisdiction Act 1742 5.1(180)

Justices of the Peace Act 1997 4.47(170)

Legal Services Act 2007 7.19(299)

Licensing Act 1964 5.1(180)

Magistrates’ Courts Act 1980 3.38(92)

National Economy Act 1931 4.44(161); 5.3(186)

Northern Ireland Act 1988 2.15(44); 3.6(53)

Pensions Act 2011 4.47(172–173); 4.49(176)

Pensions (Increase) Act 1971 4.47(170)

Prisons Act (NI) 1953 6.7(255)

Prosecution of Offences Act 1985 3.9(59); 3.11(63)

Public Bodies Act 2011 3.7(58); 3.24(74)

Public Health Act 1875 5.1(180)

Public Sector Pay Reduction Act (1996) 4.43(158)

Scotland Act 1998 2.15(44); 3.6(53)

Senior Courts Act 1981 1.2(4); 1.4(11); 2.7(30); 3.4(52); 3.34(86); 3.35(88);
 3.36(88–89); 4.18(123); 4.29(126); 4.43(159); 4.44(162); 5.12(205);
 7.11(286); 7.43(337–338); 7.45(356)

Supreme Court Act 1981 2.7(30)

Supreme Court of Judicature Act 1873 4.4(105)

Supreme Court of Judicature (Amendment) Act 1944 3.34(86)

Supreme Court of Judicature (Consolidation) Act 1925 3.34(86)

Tribunals, Courts and Enforcement Act 2007 2.7(30); 3.7(54); 3.7(56–57);
 3.8(58–59); 3.34(86–87); 4.6(110); 4.17(123); 4.18(124); 4.24(130); 4.28(134–135);
 7.11(286)

Australia

Commonwealth of Australia Constitution Act 1900 4.44(162)

Cambridge University Press
978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition
Shimon Shetreet and Sophie Turenne
Frontmatter
[More information](#)

xxviii

TABLE OF LEGISLATION

Ireland

Financial Emergency Measures in the Public Interest (No. 2) Act 2009 4.44(163)

New Zealand

Summary Proceedings Amendment Act (No. 2) 1995 7.4(276)

Cambridge University Press
978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition
Shimon Shetreet and Sophie Turenne
Frontmatter
[More information](#)

ABBREVIATIONS

ABA	American Bar Association
AIJA	Australian Institute of Judicial Administration
AJCL	American Journal of Comparative Law
Am Pol Sci Rev	American Review of Political Science
BIICL	British Institute of International and Comparative Law
Cardozo L Rev	Cardozo Law Review
CJA	UK Commission for Judicial Appointments
CJQ	Civil Justice Quarterly
CLJ	Cambridge Law Journal
CLP	Current Legal Problems
CRA	Constitutional Reform Act 2005
Crim LR	Criminal Law Review
CYELS	Cambridge Yearbook of European Legal Studies
DCA	UK Department for Constitutional Affairs
Denning LJ	Denning Law Journal
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EHRLR	European Human Rights Law Review
FLR	Family Law Reports
HLR	Harvard Law Review
HoC	House of Commons
HoL	House of Lords
HRA	Human Rights Act 1998
ICLQ	International and Comparative Law Quarterly
Ir Jur	The Irish Jurist
Israel LRev	Israel Law Review
JLS	Journal of Law and Society
JPN	Justice of the Peace
J Pub Teach Law	Journal of of the Society of Public Teachers of Law
Jud	Judicature
LJ	Lord Justice/Lady Justice
LQR	Law Quarterly Review

Cambridge University Press
978-1-107-01367-4 - Judges on Trial: The Independence and Accountability of the
English Judiciary: Second Edition
Shimon Shetreet and Sophie Turenne
Frontmatter
[More information](#)

xxx	ABBREVIATIONS
LRB	London Review of Books
LS	Legal Studies
MLR	Modern Law Review
NLJ	New Law Journal
OJLS	Oxford Journal of Legal Studies
PL	Public Law
Pol Quart	Political Quarterly
Pol Sc Quart	Political Science Quarterly
Sydney L Rev	Sydney Law Review
UBC Law Rev	University of British Columbia Law Review
U Chi JIL	Chicago Journal of International Law
U Ill L Rev	University of Illinois Law Review
YLJ	Yale Law Journal