

Revision Templates

There is an example of a template in *Legal Skills* and there are some further examples here in topics taken from public law. Templates are a good way to test your knowledge and recall both in their construction and their use. Prepare your own by choosing some important terms in each topic and writing a short definition. Go through the definition and delete some of the key words then test yourself to see if you can fill in the gaps. Obviously, these exercises work better with a lapse of time between preparation and use. You might like to collaborate with a fellow student to make cards for each other as this halves the amount of work involved.

The SEPARATION OF POWERS is a political concept that advocates the separation of the _____ and _____ of the State into three branches: (1) _____, (2) _____ and (3) _____. The idea behind the SEPARATION OF POWERS is that the division prevents _____ of power and so protects the populace from tyranny by the _____. It is generally accepted that the UK has a relatively _____ SEPARATION OF POWERS compared to other countries such as the United States.

The SEPARATION OF POWERS is a political concept that advocates the separation of the PERSONNEL and FUNCTIONS of the State into three branches: (1) EXECUTIVE, (2) LEGISLATURE and (3) JUDICIARY. The idea behind the SEPARATION OF POWERS is that the division prevents ABUSE of power and so protects the populace from tyranny by the STATE. It is generally accepted that the UK has a relatively WEAK SEPARATION OF POWERS compared to other countries such as the United States.

The EUROPEAN CONVENTION ON HUMAN RIGHTS is an INTERNATIONAL treaty adopted in 1950. The rights and freedoms contained in the Convention were made enforceable in the English courts by the HUMAN RIGHTS Act 1998 which came into force in OCTOBER 2000. Section 2 of the Act provides that a court faced with an issue of interpretation of a Convention right must take into account the JURISPRUDENCE of the EUROPEAN COURT OF HUMAN RIGHTS.

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The EXCLUSIVITY RULE was introduced by the House of Lords in O'REILLY v. MACKMAN with the aim of ensuring that PUBLIC LAW cases used the correct procedure under Order 53 rather than seeking to enforce public law rights through PRIVATE law. Lord Diplock recognised two exceptions to the exclusivity rule: (1) where the invalidity of a decision arises as a COLLATERAL issue in a private rights claim and (2) where none of the parties OBJECT to the use of a private law procedure. The first of these means that if the issue raises a combination of public and private law, the claimant will have a CHOICE as to which procedure to use. An example of a mixed issue can be seen in ROY v. KENSINGTON AND CHELSEA FPC.

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