

Detailed Table of Contents

<i>Acknowledgements</i>	vii
<i>Summary Table of Contents</i>	ix

Introduction	1
--------------------	---

Part I—What is the Sovereignty of Parliament?

1. The Function and the Virtue of Parliamentary Sovereignty	13
I. Introduction	13
II. Challenging the Sovereignty of Parliament	16
III. The Function of Parliamentary Sovereignty	21
IV. The Virtue of Parliamentary Sovereignty	32
V. Conclusion.....	55
2. The Manner and Form Theory of Parliamentary Sovereignty	57
I. Introduction	57
II. Development and Definition of the Manner and Form Theory	59
III. Objections to the Manner and Form Theory.....	75
IV. Conclusion.....	107

Part II—Understanding Modern Challenges to the Sovereignty of Parliament

3. The Non-Critical Challenges: Devolution, the Human Rights Act and Common Law Constitutionalism	111
I. Introduction	111
II. Devolution.....	114
III. The Human Rights Act.....	120
IV. Common Law Constitutionalism	126
V. Conclusion.....	149
4. UK Membership of the European Union	151
I. Introduction	151
II. Parliamentary Sovereignty v EU Supremacy(?)	152
III. A European Revolution?	154
IV. A Constructionist Alternative	159
V. The Challenge of <i>Thoburn</i>	164
VI. ‘Continuing’ Parliamentary Sovereignty Preserved?	169
VII. Justifying a Manner and Form Understanding of the ECA	177

VIII.	<i>Thoburn's Shadow</i>	183
IX.	<i>Conclusion</i>	191
5.	<i>Jackson</i>	193
I.	<i>Introduction</i>	193
II.	<i>Jackson: Two Diceyan Difficulties</i>	194
III.	<i>The Common Law Constitutionalist Reading of Jackson</i>	201
IV.	<i>Jackson as a Development of the Principle of Legality?</i>	206
V.	<i>Minimalist Interpretations of Jackson</i>	217
VI.	<i>Implications of a Manner and Form Reading of Jackson</i>	224
VII.	<i>Jackson's Aftermath: Axa</i>	230
VIII.	<i>Conclusion</i>	236
6.	<i>The European Union Act 2011</i>	239
I.	<i>Introduction</i>	239
II.	<i>The Nature of the European Union Act 2011</i>	240
III.	<i>Contradictory Messages on Sovereignty?</i>	246
IV.	<i>Legal Effectiveness of the Referendum Locks</i>	250
V.	<i>Constitutional Effect of the European Union Act 2011</i>	264
VI.	<i>Conclusion</i>	277
 <i>Part III—The Virtue and the Function of the Manner and Form Theory</i>		
7.	<i>A Democratic Justification of the Manner and Form Theory</i>	283
I.	<i>Introduction</i>	283
II.	<i>The Need for a Normative Justification of the Manner and Form Theory</i>	284
III.	<i>Democracy, Political Constitutionalism and Parliamentary Sovereignty</i>	293
IV.	<i>A Democratic Justification of the Manner and Form Theory</i>	302
V.	<i>A Potential Contradiction: Process, Politics and Democracy ... and the Courts?</i>	317
VI.	<i>Conclusion</i>	321
8.	<i>The Potential Utility of the Manner and Form Theory</i>	323
I.	<i>Introduction</i>	323
II.	<i>The State of the UK's Political Constitution</i>	325
III.	<i>Using the Manner and Form Theory Democratically</i>	330
IV.	<i>Manner and Form and Constitutional Reform</i>	336
V.	<i>The Seeds of Destruction? Legally Unlimited Legislative Power and Parliamentary Sovereignty</i>	352
VI.	<i>Conclusion</i>	356
	<i>Index</i>	359