

CONTENTS

<i>Table of Cases</i>	<i>xi</i>
<i>Table of Statutes</i>	<i>xxv</i>
<i>Table of European and International Legislation</i>	<i>xxxv</i>
<i>Table of Statutory Instruments</i>	<i>xxxvii</i>

1 Introduction **1**

- | | |
|--|--|
| 1.1 The political context 1 | 1.5 The international context 15 |
| 1.2 Human rights and civil liberties 3 | 1.6 European Convention on Human Rights 16 |
| 1.3 Meaning of rights 4 | Questions 31 |
| 1.4 Protection of rights and liberties within the British Constitution 9 | Further reading 31 |

2 The Human Rights Act 1998: overview **33**

- | | |
|--|---------------------|
| 2.1 Introduction 33 | 2.6 Other issues 68 |
| 2.2 The Human Rights Act 1998 33 | 2.7 Conclusions 73 |
| 2.3 The interpretation of legislation 50 | Questions 76 |
| 2.4 Interpreting the common law 64 | Further reading 77 |
| 2.5 'Free-standing' human rights? 67 | |

3 Freedom of the Person I: stop, search, and arrest **78**

- | | |
|---|--------------------------------|
| 3.1 Introduction 78 | 3.4 Stop and search 82 |
| 3.2 Stop, search, and arrest under the Human Rights Act 1998 79 | 3.5 Arrest 98 |
| 3.3 The Police and Criminal Evidence Act 1984 and its Codes 81 | 3.6 Challenging the police 111 |
| | Questions 112 |
| | Further reading 112 |

4 Freedom of the Person II: detention and questioning **113**

- | | |
|--|---|
| 4.1 Introduction 113 | 4.5 Obtaining evidence during detention 136 |
| 4.2 Preliminary procedures at the police station 118 | 4.6 Challenging the police 160 |
| 4.3 Time for detention 122 | Questions 173 |
| 4.4 Conditions during detention 128 | Further reading 174 |

5	Entry, search, seizure, and surveillance	176
5.1	Introduction 176	
5.2	Land and premises: rights of entry 179	
5.3	Surveillance 197	
5.4	Personal property: seizure powers 205	
5.5	Personal property: production orders 209	
5.6	Forfeiture and confiscation powers 220	
5.7	Remedies 222	
	Questions 226	
	Further reading 226	
6	Terrorism and human rights	227
6.1	Introduction 227	
6.2	Proscription 231	
6.3	Financial support for terrorism 232	
6.4	Modification of police powers 234	
6.5	Preparatory offences 246	
6.6	Control orders 250	
	Questions 256	
	Further reading 256	
7	Freedom of assembly and public order	258
7.1	Introduction 258	
7.2	Processions 264	
7.3	Public assemblies 270	
7.4	Public order offences 277	
7.5	Civil orders 293	
7.6	The common law: breach of the peace 299	
7.7	Incitement to racial hatred 306	
7.8	Incitement to religious hatred 308	
7.9	Other offences relating to racial or religious hatred 309	
	Questions 310	
	Further reading 310	
8	Freedom of Expression I: official secrets and freedom of information	312
8.1	The meaning of 'freedom of expression' 312	
8.2	Arguments for the protection of freedom of expression 313	
8.3	Arguments for and against official secrecy 316	
8.4	Official Secrecy and the Human Rights Act 1998 318	
8.5	Official Secrets Acts 1911–1920 318	
8.6	Official Secrets Act 1989 323	
8.7	Breach of confidence 339	
8.8	Breach of confidence and the Human Rights Act 1998 347	
8.9	Freedom of Information 350	
	Questions 357	
	Further reading 357	
9	Freedom of Expression II: contempt of court	358
9.1	The offence of contempt 358	
9.2	Contempt and the press 361	
9.3	Contempt in the face of the court 394	
	Questions 396	
	Further reading 396	

10 Freedom of Expression III: obscenity and indecency 398

- | | |
|--|--|
| 10.1 Arguments for and against restriction 398 | 10.7 Controls over live performances 429 |
| 10.2 Obscenity and the Human Rights Act 1998 401 | 10.8 Controls over broadcasting 431 |
| 10.3 Methods of control 403 | 10.9 General controls 433 |
| 10.4 Problems of definition 404 | 10.10 European law 438 |
| 10.5 Controls over books and magazines, etc. 409 | 10.11 Proposals for reform 440 |
| 10.6 Controls over films, DVDs and videos 424 | Questions 441 |
| | Further reading 441 |

11 Protection of reputation and privacy 443

- | | |
|-----------------------------------|---------------------|
| 11.1 Introduction 443 | Questions 491 |
| 11.2 Protection of reputation 443 | Further reading 491 |
| 11.3 Protection of privacy 469 | |

12 Extradition and deportation 493

- | | |
|-----------------------|---------------------|
| 12.1 Introduction 493 | Questions 528 |
| 12.2 Extradition 496 | Further reading 528 |
| 12.3 Deportation 508 | |

13 Freedom from discrimination 530

- | | |
|----------------------------------|-----------------------------------|
| 13.1 General issues 530 | 13.5 Enforcement and remedies 551 |
| 13.2 European Union law 533 | 13.6 Conclusions 556 |
| 13.3 English law 535 | Questions 557 |
| 13.4 Positive discrimination 549 | Further reading 557 |

Index 559
