

Book review

Human Rights Law (2nd Edition)



Author: Merris Amos
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The Human Rights Act 1998 has had a profound impact on the law of England and Wales. It has led to an astonishing amount of litigation across all areas of law and is invoked in many, if not most, of the cases determined by the Supreme Court. It has occupied and strained judicial minds at the highest level from the moment it came into force in October 2000. And there is no sign of litigation involving the Act relenting any time soon.

Well-structured & informative

It is perhaps surprising, therefore, that there are so few textbooks covering the law generated in relation to the Human Rights Act. Two major textbooks, *The Law of Human Rights* (Clayton and Tomlinson) and *Human rights and practice* (Lester, Pannick & Herberg) may vie for the title of the most authoritative textbook in the area. *Human Rights Law* by Merris Amos does not compete in that territory. What Amos has produced is a very much more affordable textbook which focuses on the Human Rights Act and certain convention rights. The result is a book which is well structured and informative, the emphasis being on guiding the reader to the relevant cases with pithy summaries of the relevant law.

Great help

The book will thus be a great help to students new to the Act and to practitioners who do not

rely on the Act on a day-to-day basis. The book is simply laid out and easy to navigate as a result. It falls into two sections, the first on the Act and the second on the Convention rights (not all of them so that, for instance, there is no discussion of Art 3 of protocol 1, the right to free elections).

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Key issues

In the first section, the author gives herself the task of covering the key issues such as how the Act works, what is meant by a public authority, who qualifies as a victim, the acts to which the Act applies, and determining incompatibility. Amos has done well to compress the case law on the Act into 178 pages without omitting reference to all of the key cases. At the same time, she has not made the footnotes overly long. That is a good thing given the book is most useful for a relative newcomer to the application of the Act in practice.

In the second section, the book tackles the convention rights in turn. The first Convention right to be addressed is Art 2. The book addresses the content of the positive duty to protect life, a thorny issue given the mixed case law nationally and from the European Court of Human Rights, albeit in fairly summary form. The section on the application of Art 2 is more detailed and likely to be more valuable to practitioners. There is a short but helpful analysis of the relationship between Art 2 and common law negligence. This is another area where the case law does not lead to straightforward answers as the judges continue to grapple with the ramifications of developing the common law in line with Convention rights. Amos then tackles the duty to investigate, inherent in Art 2. This is done by careful selection of sub-headings which serve very effectively to break up what could otherwise be an amorphous mass of case law. Again, this is followed by a section on the application of the duty to investigate in practice.

Most effective

The focus of the book is on English case law with reference to European Court of Human Rights cases where they have shaped the English law. In this way, the book complements nicely *The Law of the European Convention on Human Rights* (Harris, O’Boyle and Warbrick) which is similarly priced and which, as the title suggests, draws entirely on the European jurisprudence. Amos has performed a valuable task in collecting together the mass of English case law addressing both the mechanics of the Act and the substance of the convention rights. It is most effective in setting out in clear terms the ways in which, to date, the Convention rights have been applied by the courts. It should serve as a very useful book for students and practitioners alike.

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