

The Protection Of Legitimate Expectations In Administrative Law A Comparative Study Hart Studies In Comparative

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The Protection Of Legitimate Expectations

The doctrine of legitimate expectation was first developed in English law as a ground of judicial review in administrative law to protect a procedural or substantive interest when a public authority rescinds from a representation made to a person. It is based on the principles of natural justice and fairness, and seeks to prevent authorities from abusing power.

Legitimate expectation - Wikipedia

In particular, legitimate expectations can arise by contractual arrangements, by informal representations or by the legal framework of the host state at the time of the investment. This third type of legitimate expectations, arising from host state laws, and the protection that should be afforded to them will be analysed.

The Protection of Legitimate Expectations under the Fair ...

The doctrine of legitimate expectation also emerged in certain continental civilian jurisdictions, particularly Germany and the European Community. In Germany, the protection of legitimate expectations derives from the principle of vertrauensschutz (literally the “protection of trust/confidence”), which aims to encourage

Article - The protection of legitimate expectations in ...

Introduction. This article has the purpose of offering some preliminary thoughts on whether the principle of protecting legitimate expectations, as it is known in some domestic legal systems, is also recognised in public international law.

The Protection of Legitimate Expectations As A 'General ...

The principle of legitimate expectations is a general principle, recognized by the European Union and a large number of her Member States. However, there is not a semantic uniformity in the European legal order.

The Protection of Legitimate Expectations in the Recovery ...

Legitimate expectations arc thus “founded upon some act practice or situation prior to the decision ... [and thus] a 'legitimate expectation' [docs not arise] simply because of the decision maker's power to decide in a way adverse to the person” (Caldwell, J. L. (1983) 2 Canterbury Law Review 45 at 48 relying upon Nashua v.

The Provenance and Protection of Legitimate Expectations ...

“The Protection of Legitimate Expectations under Administrative Law” University of Bergen, Norway, 10th-12th October 2012 . Draft. Not for citation or quotation without permission.

(PDF) The Protection of Legitimate Expectations in UK ...

It then develops a doctrinal structure for the standard of protection. The author places the key premise of the book on the possibility of deriving firm conclusions from the debate and on creating a set of precise and prescriptive 'guidelines of the application of legitimate expectations'.

Protection of Legitimate Expectations in Investment Treaty ...

the protection of legitimate expectations.⁷ Clearly, however, the interest protected in this context is reliance upon the law prior to the introduction of retroactive changes, rather than the expectation that the law will never be altered in the future.

The Doctrine of Legitimate Expectations and the ...

“If a denial of legitimate expectation in a given case amounts to denial of a right guaranteed or is arbitrary, discriminatory, unfair or biased, gross abuse of power or violation of the principles of natural justice, the same can be questioned on the ground attracting Article 14 but a claim based on mere legitimate expectation without anything more cannot ipso facto give a right to invoke ...

Concept of Legitimate Expectation

The Protection of Legitimate Expectations in Administrative Law . By Dario Đerda. Get PDF (510 KB) Abstract. U radu se razmatra značenje i sadržaj načela zaštite legitimnih očekivanja u upravnom pravu uopće. Zatim se analizira metoda odmjeravanja treba li prilikom donošenja neke ...

The Protection of Legitimate Expectations in ...

2. The e principle of legitimate expectations in European Union law Protection of legitimate expectations originates in the German principle of Vertrauensschutz which means protection of trust and is directly related to the protection of the acquired rights². The e origin of the principle can be traced back to

The Principle of Legitimate Expectations and the ...

Legitimate expectations is a doctrine inherent to the English administrative law. It is most commonly defined as a position of a subject of law having. a ‘legitimate expectation’ that a public body will exercise its discretion in some way [...] may be entitled to the law’s protection if that ‘expectation’ is disappointed.

Legitimate Expectations as Part of the FET Standard: An ...

A principle applied in administrative law. The principle as initially recognized by the courts was confined to legitimate expectation of procedural protection (Schmidt v Secretary of State for Home Affairs [1969] 2 Ch 149 (CA). A procedural legitimate expectation arises where a public authority has induced in someone affected by a decision a reasonable expectation that he will be granted a ...

Legitimate expectation - Oxford Reference

The protection of legitimate expectations, as pointed out in De Smith's Judicial Review (Sixth Edition) (para 12-001), is at the root of the constitutional principle of the rule of law, which requires regularity, predictability, and certainty in government's dealings with the public.

Doctrine Of Legitimate Expectation: Overview - Government ...

It considers the extent to which legitimate expectations are subject to procedural protection in English, French, and European Community (EC) law. A comparative overview of administrative procedures in English, French, and EC law is first given, followed by an analysis of the procedural protections which apply when administrative authorities revoke decisions or go back on informal representations.

Procedural Protection of Legitimate Expectations - Oxford ...

Furthermore, Schonberg and Craig provide a convincing analysis of the importance of substantive legitimate expectations as a principle of law and suggest that four considerations ought to be at the forefront of determining whether an appropriate standard of review is being exercised: (1) a public body may lead an individual to experience severe hardship if it acts in a manner that is contrary ...

Substantive Legitimate Expectations

Finally, the interests underlying the legitimate expectations doctrine are the non-discriminatory application in public administration of the procedural norms established by past practice or published guidelines, and the protection of the individual from an abuse of power through the breach of an undertaking.

The Doctrine of Legitimate Expectations [Updated - July 17 ...

2 AC 237, 275 (there is no authority which has found a substantive legitimate expectation to have emerged from past conduct: the closest example is R v IRC, ex p Unilever plc [1996] STC 681, which the Court treated not as a legitimate expectation case – even in the context of an extremely precise and focused course of conduct known by the IRC to have engendered very specific expectations on ...

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