This chapter considers how the UK constitution’s approach to the issue of civil liberties and human rights has changed in the past fifteen to twenty years. It starts by discussing the judicial incorporation of the European Convention on Human Rights and the difficulties domestic courts had in applying the Convention directly. The subsequent idea of Parliament enacting a statute giving Convention articles a superior status to common law rules, and Members of the House of Lords promoting private members’ Bills intended to give domestic legal effect to the ECHR are examined. The chapter goes onto discuss the re-emergence and consolidation of fundamental human rights as an indigenous principle of common law; and the ‘judicial supremacism’ controversy.
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