8. Constitutional rights and values

This chapter addresses the doctrine of common law constitutional rights. This is a controversial area where judges uphold the rule of law to restrict not only government power, but occasionally the meaning of statutes in order to protect the fundamental rights and values that permeate the UK constitution. This can create tensions between parliamentary sovereignty, separation of powers, and rule of law. There is no definitive list of common law constitutional rights and values and they are unwritten, but they are essentially the rights and values protected by the rule of law that have evolved as rules of ‘fair play’ and justice. They include justice; legality; fundamental rights such as liberty, freedom of expression, and equality; accountable government; and democracy.

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8. Constitutional rights and values

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