Chapter: (p. 27) 2. Human Rights

Author(s): Ben McFarlane, Nicholas Hopkins, and Sarah Nield

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This chapter explores the impact of human rights upon property rights and relations, with particular emphasis on Article 1 Protocol 1 and Article 8 of the European Convention on Human Rights which has been incorporated into English domestic law by the Human Rights Act 1998. It first provides a background on the particular jurisprudence of human rights reasoning before discussing the import of Article 1 Protocol 1, in protecting possessions, and Article 8, in requiring respect for the home. The focus is on home repossession (Article 8), protection against discrimination (Article 14), and right to a fair trial (Article 6). It also considers adjudication under the Human Rights Act 1998, along with the justification formula developed by the Strasbourg Court and how it operates in the context of the particular human rights that relate to land. Finally, it examines the so-called vertical effect and horizontal effect.
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