

Legitimate Expectations in the Common Law World: A Comprehensive Exploration

Legitimate expectations are a fundamental principle in the common law world, playing a pivotal role in administrative law and public law. This article will provide a comprehensive overview of legitimate expectations, tracing their origins, examining their key principles and applications, and highlighting their significance in promoting procedural fairness and good governance.



Legitimate Expectations in the Common Law World (Hart Studies in Comparative Public Law)

★★★★★ 5 out of 5

Language : English
File size : 1018 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 509 pages



Origins and Foundations

The concept of legitimate expectations emerged in the 19th century in the United Kingdom, with the seminal case of *Cooper v. Wandsworth Board of Works* (1863). This case established that individuals who rely on promises or representations made by public authorities may have a legitimate expectation that those promises or representations will be honored.

The principle of legitimate expectations was further developed by H.L.A. Hart in his influential work, *The Concept of Law* (1961). Hart argued that legitimate expectations are based on the notion of "fairness" and that public authorities have a duty to act in a manner that is consistent with the expectations they have created.

Key Principles

The principle of legitimate expectations has three main elements:

- **Reasonable expectations:** The expectation must be based on a clear and unambiguous promise or representation made by a public authority.
- **Dependence on the expectation:** The individual must have acted in reliance on the expectation.
- **Unfairness:** It must be unfair for the public authority to go back on its promise or representation.

Application in Administrative Law

Legitimate expectations play a significant role in administrative law, particularly in the context of judicial review of administrative decisions. Courts may consider whether a public authority has breached a legitimate expectation when reviewing the lawfulness of its decisions.

For example, in *R. v. North and East Devon Health Authority, ex parte Coughlan* (2001), the court held that a hospital patient had a legitimate expectation of receiving a particular treatment based on assurances given by the hospital staff. The hospital's subsequent refusal to provide the treatment was held to be unlawful.

Balancing Interests

It is important to note that the principle of legitimate expectations does not give individuals an absolute right to have their expectations fulfilled. Courts will balance the individual's interest in having their expectations protected against the public authority's interest in acting in the public interest.

In *R. v. Secretary of State for the Home Department, ex parte Simms* (2000), the court held that the government could not be prevented from deporting a foreign national who had lived in the UK for many years, despite the fact that he had a legitimate expectation of being allowed to remain. The court found that the public interest in protecting national security outweighed the individual's legitimate expectation of staying in the UK.

Significance and Impact

The principle of legitimate expectations is a vital safeguard against arbitrary and unfair administrative action. It ensures that individuals can rely on the promises and representations made by public authorities and that they will not be treated unfairly if those promises or representations are later withdrawn.

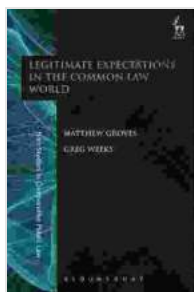
Legitimate expectations also promote good governance by requiring public authorities to be transparent and accountable in their dealings with individuals. By creating a duty of fairness, the principle of legitimate expectations helps to ensure that public authorities act in a responsible and predictable manner.

Legitimate expectations are a fundamental principle in the common law world, providing a powerful tool for individuals to challenge arbitrary or

unfair administrative action. By balancing the interests of individuals and public authorities, the principle of legitimate expectations promotes procedural fairness, good governance, and the rule of law.

Recommended Reading

- Hart, H.L.A. (1961). *The Concept of Law*. Oxford: Clarendon Press.
- Craig, P. (2018). *Administrative Law* (8th ed.). London: Sweet & Maxwell.
- Browne, K. (2021). *Legitimate Expectations in Administrative Law* (3rd ed.). Oxford: Oxford University Press.



Legitimate Expectations in the Common Law World (Hart Studies in Comparative Public Law)

★★★★★ 5 out of 5

Language : English
File size : 1018 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 509 pages





Visual Diagnosis and Care of the Patient with Special Needs

A Comprehensive Guide for Healthcare Professionals This comprehensive guide provides healthcare professionals with a wealth of information on the visual diagnosis and care...



Practical Guide Towards Managing Your Emotions And Raising Joyful Resilient Kids

In today's rapidly changing and often overwhelming world, our children face unprecedented challenges that can impact their emotional well-being...