

Rule of Law

The Rule of Law, in its most basic form, is the principle that no one is above the law. The rule follows logically from the idea that truth, and therefore law, is based upon fundamental principles which can be discovered, but which cannot be created through an act of will.

Rule of Law cannot exist without a transparent legal system, the main components of which are a clear set of laws that are freely and easily accessible to all, strong enforcement structures, and an independent judiciary to protect citizens against the arbitrary use of power by the state, individuals or any other organization.

The Rule of Law and The Supremacy of Parliament

(http://www.historylearningsite.co.uk/rule_of_law.htm)

- AV Dicey (a constitutional expert who lectured at Oxford circa 1885) summarised the rule of law under three heads

Primarily

No man could be punished or lawfully interfered with by the authorities except for breaches of law. In other words, all government actions must be authorised by law

Secondarily

No man is above the law and everyone, regardless of rank, is subject to the ordinary laws of the land.

Finally

There is no need for a bill of rights because the general principle of the constitution are the result of judicial decisions determining the rights of the private person.

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It proposes that government should have restraints, not possess discretionary powers, there should be legal controls over the government's activities and no one including government officials should be above the law. These principles if successfully attained within a society will result in national stability and security of citizens.

The Human Rights Act 1998 reflects the rule of law in most of the articles.
e.g. no punishment without a trial

Rule of law and constitution are
inextricably linked

Read separate notes on the Constitution

Rule of law often a 5 mark exam question

Any questions?


