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KEY=PARLIAMENTARY - BENJAMIN RAMIREZ

THE HOUSE OF LORDS

ITS PARLIAMENTARY AND JUDICIAL ROLES

Hart Publishing This new book examines the House of Lords in both its Parliamentary and its judicial capacity. A total of 14 contributors discuss such important topics as the membership of the House,how the House compares with other second chambers in bicameral legislatures elsewhere, the role of the Lord Chancellor, the rules concerning discussion of sub judice matters and the stance taken by the Law Lords towards European Community law. At a time when the future of the House is once again under active consideration, the book serves to remind readers of the significance of the institution to the British constitution. It will be of interest to students of government and law as well as to practitioners in the field, including Parliamentarians and judges. The issues dealt with in this book go to the heart of how democracy manifests itself in the United Kingdom today.'. Contributors: Michael Rush, Nicholas Baldwin, Rodney Brazier, Paul Carmichael, Andrew Baker, Patricia Leopold, Gavin Drewry, Sir Louis Blom-Cooper, Brice Dickson, Barry Fitzpatrick, Anthony Bradney, Patricia Maxwell, Kenny Mullan, Simon Lee.

THE OXFORD HISTORY OF THE LAWS OF ENGLAND: 1483-1558

Oxford University Press on Demand This volume in 'The Oxford History of the Laws of England' covers the years 1483-1558, a period of immense social political, and intellectual changes which profoundly affected the law and its workings.

A TREATISE UPON THE LAW, PRIVILEGES, PROCEEDINGS AND USAGE OF PARLIAMENT

THE ENGLISH JUDGES

THEIR ROLE IN THE CHANGING CONSTITUTION

Hart Publishing Robert Stevens examines the political influences on the English judiciary and the influence the judiciary has had on politics during the 20th-century to ascertain what needs to be done to maintain its effectiveness in the 21st-century.

THE OFFICE OF LORD CHANCELLOR

Hart Publishing This book analyses the development and current position of the Lord Chancellor in his various roles.

HOUSE OF LORDS REFORM DRAFT BILL

The Stationery Office This is a draft Bill and white paper on proposals to change the House of Lords into a more democratically elected second chamber. A cross-party Committee met seven times from June to December 2010 and considered all reform issues related to the House of Lords. Agreement was reached on a large number of issues but differences in opinion remain on the size of the elected element and the type of electoral system. The Government now wants to take the discussion forward to a debate on the detail. Proposals include an 80 percent elected House of Lords but a wholly elected House of Lords has not been ruled out. The Draft Bill sets out elections using the Single Transferable Vote system but it is recognised that a case can be made for other proportional systems too. Other proposals, name, size, functions, powers and term length are some of several issues discussed.

THE FOUNDATIONS AND FUTURE OF PUBLIC LAW

ESSAYS IN HONOUR OF PAUL CRAIG

Oxford University Press, USA Public law in the UK and EU has undergone seismic changes over the last forty years: development and membership of the EU, the Human Rights Act, devolution, the fostering of public law expertise within the judiciary, the globalization of public law, and the increased interaction between the academy, judiciary, barristers, public interest groups, and legislatures have transformed the public law landscape. Commentators spend much time at the frontiers of the subject, responding rapidly to new developments and providing guidance to scholars, legislators, and judges for future directions. In these circumstances, there is rarely a chance to reflect upon the implications of these changes for the fundamentals of public law and how those fundamentals relate to one another. In this collection, leading figures in UK and EU public law address this lacuna. Inspired by the depth, scope, and ambition of the work of Paul Craig, Professor of English Law at Oxford University, the focus of this collection is upon exploring and reflecting upon six fundamentals of public law and the interrelationship between them: legislation, case law, theory, institutions, process, and constitutions.

COUNTER-TERRORISM BILL

THE ROLE OF MINISTERS, PARLIAMENT AND THE JUDICIARY, 10TH REPORT OF SESSION 2007-08, REPORT

The Stationery Office This report considers the respective roles of ministers, Parliament and the judiciary in the arrangements proposed specifically in the provisions of parts 2 (detention and questioning of terrorist suspects) and 6 (inquests and inquiries) of the Counter-Terrorism Bill. Whilst the Committee does not criticise the process by which the Bill's proposals have been developed they do have concerns relating to the outcomes that have been reached. They look at the basic constitutional questions of: what should the maximum permitted time of pre-charge detention be (given the Bill's proposed increase to 42 days)?; and who should be empowered to authorise such detention? The Committee notes that the European Convention on Human Rights requires that those arrested shall be informed "promptly" of the reasons for their arrest and of any charge against them, and then be brought "promptly" before a judge (article 5 (2) (3)). They advise that if the House approves the time limit set out in the Bill, it will do so in the knowledge that the question of compliance with Convention rights is likely to be heard and ultimately determined by the Courts. They also feel that the decision making scheme set out in the Bill is too elaborate and complex. The Committee continues with examining the Bill's part 6 proposals to permit the Secretary of State to issue certificates requiring an inquest to be hld without a jury and proposed arrangements for appointing and removing "specially appointed coroners". They state that, in their view, Ministers should be required to apply to the court for a non-jury inquest, rather than being empowered to determine without any judicial oversight that there will be such an inquest.

RIGHTS BROUGHT HOME

THE HUMAN RIGHTS BILL

THE ENGLISH CONSTITUTION

Createspace Independent Publishing Platform There is a great difficulty in the way of a writer who attempts to sketch a living Constitution-a Constitution that is in actual work and power. The difficulty is that the object is in constant change. An historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the Constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and a perplexed: what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations things which never were contemporaneous in reality.

LEGISLATION AT WESTMINSTER

PARLIAMENTARY ACTORS AND INFLUENCE IN THE MAKING OF BRITISH LAW

Oxford University Press The Westminster parliament is a highly visible political institution, and one of its core functions is approving new laws. Yet Britain's legislative process is often seen as executive-dominated, and parliament as relatively weak. As this book shows, such impressions can be misleading. Drawing on the largest study of its kind for more than forty years, Meg Russell and Daniel Gover cast new light on the political dynamics that shape the legislative process. They provide a fascinating account of the passage of twelve government bills - collectively attracting more than 4000 proposed amendments - through both the House of Commons and House of Lords. These include highly contested changes such as Labour's identity cards scheme and the coalition's welfare reforms, alongside other relatively uncontroversial measures. As well as studying the parliamentary record and amendments, the authors draw from more than 100 interviews with legislative insiders. Following introductory chapters about the Westminster legislative process, the book focuses on the contribution of distinct parliamentary 'actors', including the government, opposition, backbenchers, select committees, and pressure groups. It considers their behaviour in the legislative process, what they seek to achieve, and crucially how they influence policy decisions. The final chapter reflects on Westminster's influence overall, showing this to be far greater than commonly assumed. Parliamentary influence is asserted in various different ways - ranging from visible amendments to more subtle means of changing government's behaviour. The book's findings make an important contribution to understanding both British politics and the dynamics of legislative bodies more broadly. Its readability and relevance will appeal to both specialists and general readers with interests in politics and law, in the UK and beyond.

JUDICIAL INTEGRITY

BRILL

THE POLITICS OF THE JUDICIARY

Manchester University Press

CONSTITUTIONAL JUSTICE

A LIBERAL THEORY OF THE RULE OF LAW

Oxford University Press on Demand Scope of Judicial Review

THE PROBLEMS OF JURISPRUDENCE

Harvard University Press In this book, Richard A. Posner examines how judges go about making difficult decisions. Posner argues that they cannot rely on either logic or science, but must fall back on a grab bag of informal methods of reasoning that owe less than one might think to legal training and experience. -- Adapted from Amazon.com summary.

THE SOVEREIGNTY OF PARLIAMENT

HISTORY AND PHILOSOPHY

THE NEW BRITISH CONSTITUTION

Bloomsbury Publishing The last decade has seen radical changes in the way we are governed. Reforms such as the Human Rights Act and devolution have led to the replacement of one constitutional order by another. This book is the first to describe and analyse Britain's new constitution, asking why it was that the old system, seemingly hallowed by time, came under challenge, and why it is being replaced. The Human Rights Act and the devolution legislation have the character of fundamental law. They in practice limit the rights of Westminster as a sovereign parliament, and establish a constitution which is quasi-federal in nature. The old constitution emphasised the sovereignty of Parliament. The new constitution, by contrast, emphasises the separation of powers, both territorially and at the centre of government. The aim of constitutional reformers has been to improve the quality of government. But the main weakness of the new constitution is that it does little to secure more popular involvement in politics. We are in the process of becoming a constitutional state, but not a popular constitutional state. The next phase of constitutional reform, therefore, is likely to involve the creation of new forms of democratic engagement, so that our constitutional forms come to be more congruent with the social and political forces of the age. The end-point of this piecemeal process might well be a fully codified or written constitution which declares that power stems not from the Queen-in-Parliament, but, instead, as in so many constitutions, from 'We, the People'. The old British constitution was analysed by Bagehot and Dicey. In this book Vernon Bogdanor charts the significance of what is coming to replace it. The expenses scandal shows up grave defects in the British constitution. Vernon Bogdanor shows how the constitution can be reformed and the political system opened up in 'The New British Constitution'.

THE STANDING ORDERS OF THE HOUSE OF LORDS RELATING TO PUBLIC BUSINESS [2005]

The Stationery Office This publication contains the Standing Orders of the House of Lords which set out information on the procedure and working of the House, under a range of headings including: Lords and the manner of their introduction; excepted hereditary peers; the Speaker; general observances; debates; arrangement of business; bills; divisions; committees; parliamentary papers; public petitions; privilege; making or suspending of Standing Orders.

THE CONTEMPORARY HOUSE OF LORDS

WESTMINSTER BICAMERALISM REVIVED

Oxford University Press The first book to give a detailed portrait of the House of Lords since the landmark reform of 1999 which removed most of its hereditary members, it asks who sits in the chamber, how it operates, and crucially what policy impact the House of Lords has. It shows that the Lords now has a more diverse and modern membership than many would assume. Close study of today's House of Lords demolishes some common myths about both British politics and the way that two chamberparliaments work. This book, as well as focusing on the contemporary Lords, provides a historical and

comparative context for British bicameralism, asks whether the Lords can be considered 'legitimate', and describes recent reform efforts and possible reforms for the future.

THE RULE OF LAW

Penguin UK 'The Rule of Law' is a phrase much used but little examined. The idea of the rule of law as the foundation of modern states and civilisations has recently become even more talismanic than that of democracy, but what does it actually consist of? In this brilliant short book, Britain's former senior law lord, and one of the world's most acute legal minds, examines what the idea actually means. He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society, is a guarantee of responsible government, is an important contribution to economic growth and offers the best means yet devised for securing peace and co-operation. He briefly examines the historical origins of the rule, and then advances eight conditions which capture its essence as understood in western democracies today. He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism. The book will be influential in many different fields and should become a key text for anyone interested in politics, society and the state of our world.

PARLIAMENT AND THE LAW

Bloomsbury Publishing Introduction / Alexander Horne and professor Gavin Drewry -- Privilege, exclusive cognisance and the law / Paul Evans -- The law and the conduct of members of Parliament / Richard Kelly, Matthew Hamlyn and Oonagh Gay -- The governance of Parliament / Dr Ben Yong -- Select committees: powers and functions / Dr Christopher Johnson -- Relations between the two Houses / Lord (Philip) Norton and Lucinda Maer -- Public legal information and law-making in Parliament / Dr Jack Simson Caird -- Devolution and the UK Parliament / Sir Paul Silk -- English votes for English laws? / Liam Laurence Smyth -- Parliament and human rights / Alexander Horne and Megan Conway -- Parliamentary accountability for the administration of justice / Professor Gavin Drewry -- Parliament and the courts: a pragmatic (or principled) defence of the sovereignty of Parliament / Professor Dawn Oliver -- Financial control and scrutiny / Colin Lee and Dr Phil Larkin -- Parliamentary scrutiny of delegated legislation / Dr Adam Tucker

CONSTITUTIONALISM AND THE ROLE OF PARLIAMENTS

Bloomsbury Publishing Modern constitutionalism has put a lot of hopes in parliaments but there is some consensus that these hopes have not been entirely fulfilled. At the same time, the role of parliaments in contemporary democracies continues to evolve as parliaments are faced with new challenges. How should they react to the new forms of executive and administrative action? Should they play a role in upholding judicial independence, although the latter is frequently seen as independence from parliament as well as the executive? How should they contribute to the protection of fundamental rights? The book aims at providing some answers to these questions by first setting the historic scene, giving a comparative overview of the modern history of a selection of major European deliberative institutions (UK, France, Germany and the European Parliament). The book then looks at themes around the doctrine of separation of powers, especially aspects of the relationship between parliament and the executive power and parliaments' role and attitude regarding the judiciary with a special focus on the independence of the judiciary in a comparative perspective.

PARLIAMENT AND THE LEGISLATIVE PROCESS

The Stationery Office Parliament and the legislative Process : 14th report of session 2003-04, Vol. 2: Evidence

A.V. DICEY AND THE COMMON LAW CONSTITUTIONAL TRADITION

A LEGAL TURN OF MIND

Cambridge University Press Offers a distinctive account of the rule of law and legislative sovereignty within the work of Albert Venn Dicey.

CONSTITUTIONAL PRACTICE

Oxford University Press This book draws on a wealth of historical material to describe the current working and practice of central government in Britain. Brazier examines the power and influence of the Prime Minister, the cabinet, secret cabinet committees, the Queen, judges, and other major organs of government. He also delineates the system's principal faults and offers suggestions for reform.

THE LAW-MAKING PROCESS

Bloomsbury Publishing As a critical analysis of the law-making process, this book has no equal. For more than three decades it has filled a gap in the requirements of students in law or political science taking introductory courses on the legal system and is now in its 7th edition. It deals with every aspect of the law-making process: the preparation of legislation; its passage through Parliament; statutory interpretation; binding precedent; how precedent works; law reporting; the nature of the judicial role; European Union law; and the process of law reform. It presents a large number of original texts from a variety of sources – cases, official reports, articles, books, speeches and empirical research studies – laced with the author's informed commentary and reflections on the subject. This book is a mine of information dealing with both the broad sweep of the subject and with all its detailed ramifications. "In a crowded market place Zander's latest edition of The Law-Making Process stands out like a beacon in the fog. Well chosen extracts from stimulating texts enable the neophyte student of the law making process in England and Wales to grapple with the issues of the hour with a forcefulness and insight we have long come to associate with the author. Highly recommended." Professor Alan Paterson "Law-making is important, fascinating, and fun. This new edition of Michael Zander's stimulating book on law-making brings that out. It takes account of the many developments since the 6th edition in 2004, ranging across the work of the Law Commission, parliamentary scrutiny of Bills, the relationship between our courts and the European Court of Human Rights, the EU, and many other matters. Well chosen extracts and thought-provoking commentary help law and politics students at every level to understand the raw material with which they work, and make more experienced practitioners and academics look afresh at topics we thought we understood. I recommend it highly." Professor David Feldman "As counsel, judge and now cross-bencher in the House of Lords I have been taking part in the law-making process for over fifty years. In explaining to me what I have been up to, Michael Zander both informed and amused. Not only does he deal in detail with every aspect of the law-making process, but he has assembled a rich cornucopia of commentary from a wide variety of sources. He has shown a degree of self-restraint in expressing his own views, though his use of an adverb made them pleasingly plain when he stated "On 3 October, 2014, the Conservative Party published an 8 page document, brazenly called "Protecting Human Rights in the UK". I commend this book to anyone who wishes to understand the far from simple way that law is made in this country." Lord Phillips

THE CHANGING CONSTITUTION

Oxford University Press, USA Previous edition, 1st, published in 1985.

MINISTERIAL CODE

AN INTRODUCTION TO THE STUDY OF THE LAW OF THE CONSTITUTION

Springer A starting point for the study of the English Constitution and comparative constitutional law. The Law of the Constitution elucidates the guiding principles of the modern constitution of England: the legislative sovereignty of Parliament, the rule of law, and the binding force of unwritten conventions.

HIGH SPEED RAIL

INVESTING IN BRITAIN'S FUTURE - DECISIONS AND NEXT STEPS

The Stationery Office High speed rail is already being constructed or been used in many nations. Britain's exile from this would mean losing out to global competitors. The long term option in investing in high speed rail would transform and allow Britain to compete globally and for national economic

prosperity. Such investment in faster and more convenient journeys between the major cities and international networks will achieve two objectives: supporting companies and wealth creators and also better connect communities. Further upgrades of existing lines can provide additional capacity but growth in demand looks set to outstrip the pace of this and is seen as a short term approach unable to meet long term challenges. The choice is not between building new lines or not but what type of new line to build and new lines only built to enable conventional speeds would certainly fail to reap the economic rewards offered by high speed. HS2 is also about enough capacity for passengers - those on crowded inter city trains will increasingly be forced to stand for long periods and for commuters who eventually will be unable to get on their trains at peak times. There are further benefits of increasing rail freight, getting lorries off roads and saving carbon. The Government is also committed to developing a national high speed rail network with the lowest feasible impacts on local communities and the natural environment. In response to the consultation process there have been changes - additional tunnelling and alignment of the route in a number of places. The Government wishes to see further engagement with local people as the project progresses and as further environmental assessment is undertaken. The Government wants to reassure people that the project is both affordable and can be delivered to time and budget

APPOINTING JUDGES IN AN AGE OF JUDICIAL POWER

CRITICAL PERSPECTIVES FROM AROUND THE WORLD

University of Toronto Press The main aim of this volume is to analyse common issues arising from increasing judicial power in the context of different political and legal systems, including those in North America, Africa, Europe, Australia, and Asia.

THE POLITICS OF JUDICIAL INDEPENDENCE IN THE UK'S CHANGING CONSTITUTION

Cambridge University Press Judicial independence is generally understood as requiring that judges must be insulated from political life. The central claim of this work is that far from standing apart from the political realm, judicial independence is a product of it. It is defined and protected through interactions between judges and politicians. In short, judicial independence is a political achievement. This is the main conclusion of a three-year research project on the major changes introduced by the Constitutional Reform Act 2005, and the consequences for judicial independence and accountability. The authors interviewed over 150 judges, politicians, civil servants and practitioners to understand the day-to-day processes of negotiation and interaction between politicians and judges. They conclude that the greatest threat to judicial independence in future may lie not from politicians actively seeking to undermine the courts, but rather from their increasing disengagement from the justice system and the judiciary.

PARLIAMENTARY SOVEREIGNTY

CONTEMPORARY DEBATES

Cambridge University Press This book has four main themes: (1) a criticism of 'common law constitutionalism', the theory that Parliament's authority is conferred by, and therefore is or can be made subordinate to, judge-made common law; (2) an analysis of Parliament's ability to abdicate, limit or regulate the exercise of its own authority, including a revision of Dicey's conception of sovereignty, a repudiation of the doctrine of implied repeal and the proposal of a novel theory of 'manner and form' requirements for law-making; (3) an examination of the relationship between parliamentary sovereignty and statutory interpretation, defending the reality of legislative intentions, and their indispensability to sensible interpretation and respect for parliamentary sovereignty; and (4) an assessment of the compatibility of parliamentary sovereignty with recent constitutional developments, including the expansion of judicial review of administrative action, the Human Rights and European Communities Acts and the growing recognition of 'constitutional principles' and 'constitutional statutes'.

JUDICIAL REVIEW

PROPOSALS FOR REFORM

The Stationery Office This paper sets out the Government's proposals for the reform of Judicial Review. Judicial Review is a critical check on the power of the State, providing an effective mechanism for challenging the decisions of public bodies to ensure that they are lawful. The Government is concerned that the Judicial Review process may in some cases be open to abuse, such as delaying tactics, which add to the costs of public services. This paper sets out reform on three key areas: (i) The time limits within which Judicial Review proceedings must be brought; (ii) The procedure for applying for permission to bring Judicial Review proceedings; (iii) The fees charged in Judicial Review proceedings.

PARLIAMENT IN BRITISH POLITICS

Palgrave Macmillan The role and significance of parliament in the British political system has changed dramatically in the past decade with the setting up of elected assemblies in Scotland, Wales, and Northern Ireland, the extension of European law making and reform of parliament itself, especially in relation to the House of Lords. This major new text by a leading academic authority who is also a parliamentarian himself revisits the central question of his highly-acclaimed earlier text Does Parliament Matter? in relation both to its role in governance and its relationship to the citizen.

CASES AND MATERIALS ON CONSTITUTIONAL AND ADMINISTRATIVE LAW

Oxford University Press, USA Cases & Materials on Constitutional and Administrative Law provides you with a comprehensive selection of legal resources to accompany your studies. Extracts from leading cases, academic works, and political documents are drawn together with incisive author commentary and thought-provoking questions to highlight the historical debates and ongoing development of the subject. The authors take a critical look at the doctrines of constitutional law and the principles of administrative law, showing how the constitution operates in relation to Parliament, the Executive, and the citizen. The eleventh edition has been fully revised and updated with new extracts and commentary from recent case law and legislation, and also features a new chapter on devolution.

THE RULE OF LAW AND A CHANGE IN THE CONSTITUTION

THE BUSINESS OF JUDGING

SELECTED ESSAYS AND SPEECHES: 1985-1999

OUP Oxford Tom Bingham (1933-2010) was the 'greatest judge of our time' (The Guardian), a towering figure in modern British public life who championed the rule of law and human rights inside and outside the courtroom. The Business of Judging collects Bingham's most important writings during his period in judicial office before the House of Lords. The papers collected here offer Bingham's views on a wide range of issues, ranging from the ethics of judging to the role of law in a diverse society. They include his reflections on the main contours of English public and criminal law, and his early work on the incorporation of the European Convention on Human Rights and reforming the constitution. Written in the accessible style that made The Rule of Law (2010) a popular success, the book will be essential reading for all those working in law, and an engaging inroad to understanding the role of the law and courts in public life for the general reader.

THE CONSTITUTIONAL BALANCE

Bloomsbury Publishing In The Constitutional Balance Sir John Laws has left a vivid and timely commentary on one of the most pressing issues in the legal world today. The debate continues whether or not judges venture too far into issues of Government policy, and whether or not there are any limits on the power of the executive and the legislature to propose and enact legislation that unduly restricts fundamental freedoms in a democratic society subject to the rule of law. Sir John Laws examines the relationship between constitutional fundamentals and values. He finds basic ideals of reason, fairness and the presumption of liberty in the common law, and recognises that a democratically accountable executive and legislature must be able to make policy and enact and implement legislation to pursue social goals. The courts then interpret the laws. As Sir John puts it - "The meeting of Parliament and the common law, in the crucible of statutory interpretation, is close to the core of [the constitutional balance]". These fundamental values can compete with each other, giving rise to tensions within and between key state institutions, in particular the executive and the judiciary. A 'constitutional balance' between them must be found if the constitution is to function properly, each institution is to understand the proper extent and limits of its authority, and the rule of law is to be maintained. Sir John draws on his life-long experience as a barrister, judge and academic, and on case-law and

learning, to explain in vibrant and engaging terms how such a 'constitutional balance' might be achieved.

POST-LEGISLATIVE SCRUTINY

A CONSULTATION PAPER

The Stationery Office The Commission's report examines the options for ensuring adequate post-legislative scrutiny of Acts of Parliament, in the light of the recommendation of the House of Lords Select Committee on the Constitution (in their 14th report, HCP 173-I, session 2003-04; ISBN 0104005416). The main focus of the report is on primary legislation, but it also considers delegated legislation and European legislation. Issues discussed include: existing forms and benefits of post-legislative scrutiny in the UK Parliament and in other jurisdictions (including Canada, Australia, Germany, France and the EU); the experience of pre-legislative scrutiny; and options for post-legislative scrutiny mechanisms. A number of consultation questions are given, and responses should be received by 28th April 2006.