

‘THE MULTIPLE DOCTRINES OF LEGITIMATE EXPECTATIONS’

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TUESDAY 29TH MARCH 2016, 13:00 – 14:00

ACADEMIC CONFERENCE ROOM, 11/F

**CHENG YU TUNG TOWER, CENTENNIAL CAMPUS
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Legitimate Expectations arise in a variety of different ways and yet ‘the doctrine of legitimate expectations’ is still regarded as one amorphous doctrine. Any underlying theory such as ‘abuse of power’ which attempts to unify such diverse case law will therefore inevitably be very general, which will in turn limit the extent to which it can provide specific guidance in any given case. In addition, historically the area has been driven principally by the remedy available (procedural or substantive expectation) rather than by the cause of action giving rise to that remedy in the first place. Having analysed case law from a variety of sources including England, Hong Kong and the EU, the speaker will argue that we should now break free of this focus and realise that there may in fact be three different varieties of legitimate expectations, with different conceptual and normative bases, and which thus require different ‘ingredients’ to be made out by the claimant. Each of these kinds of expectation can then be protected in a variety of different ways. Separating out these very different kinds of claim could provide benefits for both courts and administrative decision-makers by enhancing the clarity and predictability of the area.



Rebecca Williams holds an Associate Professorship in Law at the Faculty of Law, University of Oxford, in association with Pembroke College. Rebecca was previously a fellow of Robinson College, Cambridge, having studied in Birmingham (PhD) and Oxford (undergraduate and BCL). Rebecca's principal teaching interests are criminal law and public law, including Unjust Enrichment and Public Law (Hart publishing) which examines unjust enrichment claims involving public authorities in France, England and the EU.

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