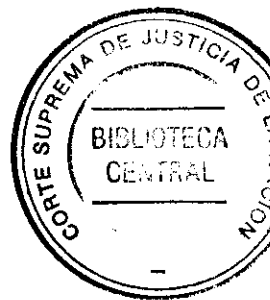


PRIVACY AND FREEDOM OF EXPRESSION



SECOND EDITION

Editors

RICHARD CLAYTON QC

*Barrister, 4-5 Gray's Inn Square, Associate Fellow,
Centre for Public Law, University of Cambridge*

HUGH TOMLINSON QC

Barrister, Matrix Chambers

Contributing Editor

Mathew Purchase, *Barrister, Matrix Chambers*

International Contributing Editors

Andrew Butler, *Partner, Russell McVeagh, New Zealand*

Simon Heeney, *Associate, Blakes, Canada*

Dr Petra Butler, *Senior Lecturer, Faculty of Law,
Victoria University of Wellington, New Zealand*

Gilbert Marcus SC, *Advocate, South Africa*

Aidan O'Neill QC (Scot.), *Associate, Matrix Chambers*

Robin Reinertson, *Associate, Blakes, Canada*

Biblioteca de la Corte Suprema	
Nº de Orden	125497
Ubicación	F5461

OXFORD
UNIVERSITY PRESS

CONTENTS

12. The Right to Respect for Privacy and the Home ✓	
A. The Nature of the Rights	12.01
B. The Rights in English Law	12.08
(1) Introduction	12.08
(2) Personal information	12.21
(3) Privacy rights and employment	12.78
(4) Privacy and the media	12.91
(5) Intrusion into the home: entry, search, and seizure	12.117
(6) Photography, surveillance, telephone tapping, and intercepting letters	12.138
(7) Housing law and respect for the home	12.180
(8) Other privacy rights in English law	12.203
C. The Law under the European Convention	12.234
(1) Introduction	12.234
(2) Negative and positive obligations	12.240
(3) Scope of 'Private life'	12.264
(4) 'Home'	12.303
(5) 'Correspondence'	12.313
(6) Justification under Article 8(2)	12.324
Appendix 1: United Kingdom Cases Under Article 8	12.370
Appendix 2: Scottish Cases on Privacy and the Home	12.399
Appendix 3: The Canadian Charter of Rights	12.435
Appendix 4: The New Zealand Bill of Rights Act	12.472
Appendix 5: South African Constitutional Cases	12.494
Appendix 6: Human Rights Cases in Other Jurisdictions	12.506
15. Freedom of Expression ✓	
A. The Nature of the Right	15.01
B. The Right in English Law	15.06
(1) Introduction	15.06
(2) Prior restraint	15.25
(3) Protection of reputation and private life	15.49
(4) Comment on court proceedings: contempt of court	15.80
(5) Orders that restrict court reporting	15.103
(6) Protection of journalistic sources	15.145
(7) Obscenity and indecency	15.153
(8) Media regulation and censorship	15.170

(9) Freedom of expression and the criminal law	15.188
(10) Expression and government secrecy	15.212
(11) Freedom of expression in other areas	15.219
(12) Freedom of expression in Community law	15.234
C. The Law under the European	
Convention	15.236
(1) Introduction	15.236
(2) Scope of the right	15.241
(3) The licensing power	15.262
(4) 'Interference' with the right to freedom of expression	15.267
(5) Justifying interferences with freedom of expression: general considerations	15.273
(6) Justifying interferences with media expression	15.310
(7) Justifying interferences with expression for specific legitimate aims	15.359
Appendix 1: United Kingdom Article 10 Cases in Strasbourg	15.386
Appendix 2: Human Rights Case in Scotland	15.412
Appendix 3: The Canadian Charter of Rights	15.426
Appendix 4: The New Zealand Bill of Rights Act	15.467
Appendix 5: Human Rights Cases in South Africa	15.499
Appendix 6: Human Rights Cases from Other Jurisdictions	15.514
<i>✓ Index</i>	371
<i>✓ Contents of The Law of Human Rights</i>	391