

Contents

<i>Table of United Kingdom Statutes</i>	xi
<i>Table of Statutory Instruments</i>	xviii
<i>Table of European Legislation and Treaties</i>	xxi
<i>Table of United Kingdom Cases</i>	xxiii
<i>Table of Cases from Other Jurisdictions</i>	xv
1. Introduction	I
1. Nature of Regulation	I
2. Theories of Regulation and Economic Reasoning	3
3. Scope and Form of Regulation	4
4. Historical Development of Regulation in Britain	6
PART I. THEORIES OF REGULATION	
2. The Context of Regulation: The Market and Private Law	15
1. Co-operation and Transactions	15
2. Reducing Transaction Costs	17
3. Third Party Effects	18
4. Competition	22
5. Assumptions and Limitations of the Market System	23
6. Conclusions	25
3. Public Interest Grounds for Regulation	29
1. Introduction	29
2. Economic Goals	29
3. Non-Economic Goals	46
4. Regulation and the Pursuit of Private Interest	55
1. Introduction	55
2. Public Choice Theory: The Main Ideas	58
3. Public Choice Theory: Forms of Political Trade	63
4. Private Interest Theories of Regulation	71
PART II. GENERAL ISSUES	
5. Use of the Criminal Law	79
1. Introduction	79

2. Legal Framework for Regulatory Offences	81
3. Enforcement and Compliance	89
4. Extending the Scope of Criminal Liability	97
6. Institutions and Accountability	99
1. Jurisdictional Level of Regulatory Law	100
2. Delegation of Regulatory Rule-Making	104
3. Self-Regulatory Agencies	107
4. Accountability of Regulators	111
PART III. FORMS OF SOCIAL REGULATION	
7. Information Regulation	121
1. Justifications and Explanations	121
2. Mandatory Price Disclosure	126
3. Quantity Disclosure	130
4. Identity and Quality Disclosure	132
5. Controls on Misleading Information	144
8. Standards: General	150
1. Nature of Standards	150
2. An Idealized Public Interest Model for Standard-Setting	152
3. Cost-Effectiveness Models for Standard-Setting	161
4. Mandatory Cost-Benefit or Cost-Effectiveness Analysis	162
5. Principles of Standard-Setting	165
6. Private Interest Considerations	171
7. The Impact of EC Law	174
9. Standards: Specific Regulatory Regimes	180
1. Occupational Health and Safety	180
2. Consumer Product Quality and Safety: General	190
3. Consumer Product Quality and Safety: Food	192
4. Consumer Product Quality and Safety: Other Regimes	198
5. Environmental Pollution Control	204
10. Prior Approval	214
1. Introduction	214
2. Licensing of Professional Occupations	216
3. Licensing of Other Occupations and Commercial Activities	225

4. Licensing of Products	233
5. Licensing of Land Use	238
11. Economic Instruments	245
1. Introduction	245
2. Forms of Economic Instruments	246
3. Evaluation	250
4. Political and Private Interest Considerations	255
12. Private Regulation	257
1. Alienable Rights	257
2. Inalienable Rights	257
3. Judicial Role	258
4. Rationalization	260

PART IV. FORMS OF ECONOMIC REGULATION

13. Public Ownership	265
1. Introduction	265
2. Public Interest Justifications for Public Ownership	267
3. Private Interest Considerations	270
4. Legal Structure and Productive Efficiency	271
5. Allocative Efficiency	281
6. Privatization	287
14. Price Controls	295
1. Introduction	295
2. Price Controls for Distributional Purposes	296
3. Counter-Inflation Measures	300
4. Price Controls in Monopolistic Markets	305
15. Public Franchise Allocation	318
1. Introduction	318
2. Justifications and Explanations for Public Franchising	320
3. Criteria for Allocating Public Franchises	323
4. The Allocation Process and Competition	328
5. The Franchise Contract	330
6. Conclusions	333

PART V. EPILOGUE

16. The Future of Regulation	337
1. The Agenda for Regulatory Reform	337
2. Towards 'Rational' Social Regulation?	338
3. Towards 'Rational' Economic Regulation?	340
<i>Index of Names</i>	343
<i>Subject Index</i>	350