

<b>Module Title:</b>	Administrative Law
<b>Language of Instruction:</b>	English
<b>Credits:</b>	10
<b>NFQ Level:</b>	8
<b>Module Delivered In</b>	No Programmes
<b>Teaching &amp; Learning Strategies:</b>	Formal lectures Communication of knowledge and ideas from the lecturer to the student Class discussion/debate students will be encouraged to actively participate in the class discussions which will develop their analytical, debating and communication skills Tutorials Students will be enabled to examine and debate controversial and complex legal issues and to discuss such matters critically both individually and in groups. E-learning It is envisaged that this module will be supported by online learning materials through the virtual learning environment. Independent learning There will be an emphasis on independent student learning which it is anticipated will encourage strong and autonomous learning practices.
<b>Module Aim:</b>	The aim of this module is to provide students with a firm understanding of the law regulating the organisation, composition, functions and procedures of public authorities and their roles in the administrative and executive arm of government. It also aims to provide students with an appreciation of the executive arm of government's relationship with the judicial and legislative arms, the historical development of that relationship and the influence of human rights and EU law on Irish Administrative law.
<b>Learning Outcomes</b>	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Define and describe the main rules of administrative law
LO2	Identify and explain the principles of constitutional justice
LO3	Explain and apply the rules, practices and procedures of judicial review of administrative action
LO4	Distinguish between, and critically appraise, the remedies available by way of judicial review
LO5	Compare and contrast the development of certain rules of administrative law and their application within this and other jurisdictions
LO6	Critically evaluate the impact of the European Convention on Human Rights Act 2003 on public bodies in the performance of their functions
LO7	Apply the rules of administrative law to hypothetical problem scenarios and give an account of relevant case-law, legislation and policy in relation to the issues raised
LO8	Access and use hard copy and electronic primary legal and other appropriate sources relating to the administration of the state
<b>Pre-requisite learning</b>	
<b>Module Recommendations</b>	
<i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
<b>Incompatible Modules</b>	
<i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
<b>Co-requisite Modules</b>	
No Co-requisite modules listed	
<b>Requirements</b>	
<i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

## Module Content & Assessment

### Indicative Content

#### The Nature of Public Bodies

• Public Law v Private Law • Types of Public Bodies • Duty to give reasons and follow fair procedures • Freedom of Information Acts • Doctrine of Ultra Vires • Availability of Judicial Review

#### Grounds for Judicial Review of Public Bodies

• Bias - Nemo index in causa sua; • Disregard of fair procedures – Natural and Constitutional justice -Audi alteram partem • Legitimate expectation • Unlawful delegation • Error of fact • Unreasonableness doctrine • Proportionality • Error of law • Fettering of the decision making function • Breach of EU law • Breach of fundamental rights o Constitutional rights o European Convention on Human Rights o Breach of international agreements

#### Judicial Review Procedure

• Jurisdiction of the High Court • Stages of Judicial Review Procedure • Rules of locus standi • Rules relating to costs – security for costs, undertakings in damages, costs for judicial review application • Remedies available including inter alia certiorari, mandamus and prohibition. • Discretionary nature of the remedies including • Delay • Duty to exhaust alternative remedies • Lack of good faith

#### Other forms of review

• Procedure regulating an application for habeas corpus under Article 40 of the Constitution • Case stated • Statutory appeals • Preliminary references under EU law

#### Tort Actions

• Malfeasance in public office • Negligent exercise of public power • Breach of statutory duty • Damages for unlawful administrative action

#### Remedies

• Certiorari • Mandamus • Prohibition • Declaration • Injunction • Damages

Assessment Breakdown	%
Continuous Assessment	20.00%
Project	20.00%
End of Module Formal Examination	60.00%

### Continuous Assessment

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Examination	A written examination, project, or problem question which will be given in term one and will require candidates to apply their knowledge and problem- solving skills in answering one or more essay and/or problem question(s).	1,2,3	20.00	n/a

### Project

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Project	An essay question or hypothetical problem question. Students will be required to research the issues in accordance with defined instructions, and present their findings and/or proposals in writing, orally or both.	1,2,3,4,5,6,7,8	20.00	n/a

No Practical

### End of Module Formal Examination

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Formal Exam	Three-hour written examination	1,2,3,4,5,6,7,8	60.00	End-of-Semester

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

**Module Workload**

<b>Workload: Full Time</b>		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	30 Weeks per Stage	2.50
Tutorial	30 Weeks per Stage	0.50
Estimated Learner Hours	30 Weeks per Stage	7.00
Total Hours		300.00

  

<b>Workload: Part Time</b>		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

