# LAWS C4311: Administrative Law 2

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| **Module Title:** | Administrative Law 2 |
| **Language of Instruction:** | English |

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| **Credits:** | 5 |

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| **NFQ Level:** | 8 |

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| **Module Delivered In** | 3 programme(s) |

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| **Teaching & Learning Strategies:** | 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. |

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| **Module Aim:** | To provide students with an appreciation of the executive arm of the 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. |

| **Learning Outcomes** | |
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| *On successful completion of this module the learner should be able to:* | |
| LO1 | Compare and contrast the development of certain rules of administrative law and their application within this and other jurisdictions |
| LO2 | Critically evaluate the impact of the European Convention on Human Rights Act 2003 on public bodies in the performance of their functions |
| LO3 | 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 |
| LO4 | Access and use hard copy and electronic primary legal and other appropriate sources relating to the administration of the state |

| **Pre-requisite learning** |
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| ***Module Recommendations***<br>*This is prior learning (or a practical skill) that is recommended before enrolment in this module.* |
| No recommendations listed |
| ***Incompatible Modules***<br>*These are modules which have learning outcomes that are too similar to the learning outcomes of this module.* |
| No incompatible modules listed |
| ***Co-requisite Modules*** |
| No Co-requisite modules listed |
| ***Requirements***<br>*This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.* |
| No requirements listed |

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## Module Content & Assessment

| Indicative Content |
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| **Grounds for Judicial Review of Public Bodies**<br>• 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**<br>• 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**<br>• Procedure regulating an application for habeas corpus under Article 40 of the Constitution • Case stated • Statutory appeals • Preliminary references under EU law |
| **Tort Actions**<br>• Malfeasance in public office • Negligent exercise of public power • Breach of statutory duty • Damages for unlawful administrative action |
| **Remedies**<br>• Certiorari • Mandamus • Prohibition • Declaration • Injunction • Damages |

| Assessment Breakdown | % |
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| End of Module Formal Examination | 100.00% |

No Continuous Assessment

No Project

No Practical

**End of Module Formal Examination**

| *Assessment Type* | *Assessment Description* | *Outcome addressed* | *% of total* | *Assessment Date* |
|---|---|---|---|---|
| Formal Exam | n/a | 1,2,3,4 | 100.00 | End-of-Semester |

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

# LAWS C4311: Administrative Law 2

## Module Workload

| Workload: Full Time | | |
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| *Workload Type* | *Frequency* | *Average Weekly Learner Workload* |
| Independent Learning | Every Week | 6.00 |
| Lecture | Every Week | 3.00 |
| | Total Hours | 9.00 |

## Module Delivered In

| Programme Code | Programme | Semester | Delivery |
|---|---|---|---|
| CW_BBLAW_B | Bachelor of Business (Honours) in Business with Law | 6 | Group Elective 1 |
| CW_BBLAW_B | Bachelor of Business (Honours) in Business with Law | 8 | Group Elective 1 |
| CW_HHLAW_B OLD | Honours Bachelor of Laws Degree - LLB | 4 | Elective |