

## GDL 002 PUBLIC LAW

**Module Number** GDL002

**Module Title** Public Law

**Number of Aston Credits** 20

**Total Number of ECTS Credits** 10  
(European Credit Transfer)

### **Staff Member Responsible for the Module**

**Odette Hutchinson**

Aston Law  
South Wing, Room 709c  
Extension: 3019  
Email: [o.hutchinson@aston.ac.uk](mailto:o.hutchinson@aston.ac.uk)

### **Other Staff Contributing to the Module**

**Debbie Stringer**

Aston Law  
South Wing, Room 709  
Extension: 3185  
Email: [d.stringer@aston.ac.uk](mailto:d.stringer@aston.ac.uk)

Office Hours: Please see availability and book an appointment online at: <http://wass@aston.ac.uk>

**Ryan Murphy**

Aston Law  
South Wing, Room 707  
Extension: 3185  
Email: [r.murphy1@aston.ac.uk](mailto:r.murphy1@aston.ac.uk)





- (h) Analyse the policy and principles underpinning administrative law in the United Kingdom, with a particular reference to the notions of judicial review and non-judicial methods of administrative accountability
- (i) Apply the relevant legal rules on judicial review (jurisdiction; types of reviewable act; standing; grounds; time limits) to a hypothetical situation
- (j) Critically evaluate the role of fundamental rights in UK Public Law, including rights inherent in the UK's constitutional traditions; international law jus cogens; the European Convention on Human Rights; the Human Rights Act, and; the European Union's Charter of Fundamental Rights
- (k) Locate the principles of constitutional and administrative law within their political, historical, economic and social contexts
- (l) Demonstrate a basic ability to use a variety of research tools with a particular emphasis on the use of ICT for legal research.
- (m) Develop an ability to synthesise large amounts of disparate material into a coherent written or oral argument
- (n) Develop an awareness and appreciation of the rules and conventions of legal studies (including legal referencing – OSCOLA)

## **Module Content**

The organisation, content and teaching methods for this GDL module reflect QAA Benchmark standards for Law and are designed to meet the learning outcomes specified above. The module is designed to ensure that outcomes meet the professional standards (Joint Announcement) required for this foundation subject at the academic stage.

- (a) Introduction to Public law, including
  - i. defining 'law'
  - ii. the concept of a state



- iii. classifying public law
  - iv. types of constitution (codified/flexible/unwritten etc.)
- (b) The hallmarks of the British constitution
- i. Constitutional monarchy
  - ii. Parliamentary sovereignty
  - iii. The rule of law
  - iv. Separation of powers (or lack thereof)
- (c) Constitutional pluralism as a constitutional theory for the United Kingdom
- i. Devolution
  - ii. Supranationalism (membership of the European Union)
  - iii. The international legal order
- (d) The system of government and governance in the United Kingdom (the composition of parliament and the electoral system)
- (e) The institutions of governance:
- i. The Monarch;
  - ii. Central government;
  - iii. The Houses of Parliament (Commons and Lords);
  - iv. The courts
- (f) Sources of constitutional law (primary and delegated legislation; Royal Prerogative; common law; constitutional conventions; international law)
- (g) The legislative process and reform of the House of Lords
- (h) Judicial review
- i. Rules of *locus standi*
  - ii. Grounds for review (*ultra vires*; abuse of power; unreasonableness; procedural impropriety)
  - iii. Time limits
- (i) Fundamental rights and civil liberties
- i. UK constitutional traditions

- ii. The European Convention on Human Rights
- iii. The Human Rights Act 1998
- iv. The European Charter of Fundamental Rights

### **International Dimensions**

This module is based, primarily, on the Public Law of the United Kingdom. However, the constitutional and administrative law of the UK operates within an increasingly globalised environment. In particular, the UK's membership of the European Union has fundamentally changed many of the core principles of the domestic constitutional legal order. Where relevant, the impact of EU law on the Public Law of the UK will be discussed. Additionally, the UK is a signatory of the European Convention on Human Rights. This has, to an immeasurable degree, changed the flavour and detail of the constitution of the UK.

Reference will also be made to the structure and approach of other constitutional legal orders (such as the United States of America and countries of the Commonwealth).

### **Corporate Connections**

Actual case examples and practical illustrations are used throughout. Questions are based on hypothetical evidential documents and statements. Workshops rely heavily on the case law technique to ensure understanding of legal principle through a process of self-learning of principle

Debbie Stringer is a practicing Family Law solicitor with over ten years experience. She has represented clients in cases which have been heard at the High Court and the Court of Appeal. She specialises in public law Children Act matters.

### **Links to Research**

Debbie Stringer is a senior lecturer at the Open University where she Chair's the qualifying social work module. She has published articles

and course texts on child protection, social work law and practice and personal injury.

## **Learning and Teaching Rationale and Methods**

**Lectures** are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

**Workshops** have two aims: (i) To direct students to their own identification of the applicable legal principles through analysis of primary source materials and (ii) To develop understanding of the application and operation of legal principles in particular contexts. Workshops can take a variety of forms with a range of both individual and group tasks being undertaken.

**Seminars** are designed to focus on application and analysis of specific legal principles already identified in lectures and workshops. The focus is on student contributions and on detailed, tight, analysis and discussion in order to prepare students for the examination assessment and the development of skills required for workshop assessments. Students will be required to apply their knowledge to practical case studies, identify relevant issues, sources and legal principles and present the results of their research and study either independently or in groups. In addition, seminars will assist students to develop skills of critical evaluation of a selection of secondary sources of public law and to consider comparative solutions to particular legal problems.

**Self-test questions** and **multiple choice questions** for each topic are made available on the VLE, together with guidance on answering problem questions in public law and some worked answers (with reasoning processes).

**Online/Class Discussion Activities** At various points in the course, students will be introduced to areas where further reading and independent research will be necessary. The VLE will provide students with the opportunity to raise questions, discuss subject areas and approaches to set questions. This area of study is challenging, dynamic



and diverse, and students will be encouraged and supported to take responsibility for their own learning experience.

### Contact and Directed Learning

#### Directed Learning

Recorded Lectures	30 hours
Tutorials	18 hours

#### Indirect Learning

Private study	125 hours
Coursework preparation	24 hours
Examination	3 hours

**Total** **200 hours**

### Ethical Approval

Module does not require primary research and no ethical approval is needed.

### Assessment and Feedback Rationale and Methods

The module is assessed by means of an examination (70%) and a summative coursework exercise (30%).

The coursework element comprises of a 3,000-word summative coursework essay, which accounts for 30% of the total mark available for this module.

The examination is closed book (except for the ability of students to use their own copy of an **unannotated** approved statute book). The examination is of three hours' duration and will comprise a selection of hypothetical problems and essay questions. The examination accounts for 70% of the final mark for this module.

Feedback will be provided orally in workshops and seminars as responses to student answers to tasks set for these classes and any questions raised. Individual, detailed, written feedback for summative/formative assessments is provided with follow-up online or face-to-face appointments to discuss progression and performance. Common errors identified in generic feedback on each exercise are posted on the VLE.

Generic examination feedback is posted on the VLE.

### Programme Outcomes:

The table below shows how this module contributes towards the achievement of the overall programme outcomes

Module Code	Module Name	A1	A2	A3	A4	B1	B2	B3	C1	C2	C3	D1	D2	D3	D4	D5	D6
GDL002	Public Law [foundation]	√		√	√	√	√	√	√	√	√	√	√	√			

### Indicative Reading

- Bradley, A. and Ewing, K. *Constitutional and Administrative Law* (15<sup>th</sup> edn, Pearson Longman 2010)
- Allen, M. and Thompson, B. *Cases and Materials on Constitutional and Administrative Law* (10<sup>th</sup> edn, Oxford University Press 2011)
- Lee, R, *Blackstone's Statutes on Public Law and Human Rights 2011-2012* (Oxford University Press 2011)
- Papworth, N. *Constitutional and Administrative Law* (7<sup>th</sup> edn, Oxford University Press 2012)

### Background Reading

- Craig, P, *Administrative Law* (6<sup>th</sup> edn, Sweet and Maxwell 2008)



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- Dicey, A V. *Introduction to the Study of the Law of the Constitution* (5<sup>th</sup> edn, Macmillan 1897)
- Elliott M, *Beatson, Matthews and Elliot's Administrative Law: Text and Materials*, 3<sup>rd</sup> edition, Oxford University Press, (2010)
- Endicott, T. *Administrative Law* (2<sup>nd</sup> edn, Oxford University Press 2011)
- Loveland, I. *Constitutional Law, Administrative Law and Human Rights: A Critical Introduction* (6<sup>th</sup> edn, Oxford University Press 2012)

## Journals

The principal journal in this area is *Public Law*. Generalist law journals also often contain articles concerning constitutional law, in particular, human rights.

## Useful Online Sources

- Westlaw UK
- LexisNexis
- Lawtel
- Hein Online
- The British and Irish Legal Information Institute: <http://www.bailii.org/>
- Cardiff Index of Legal Abbreviations: <http://www.legalabbrevs.cardiff.ac.uk/>
- Statute Law Database: <http://www.statutelaw.gov.uk>
- Office of Public Sector Information: <http://www.opsi.gov.uk>



For further information on any of the opportunities that Aston Business School offers, please contact:

Aston Business School Aston University Aston Triangle Birmingham B4 7ET +44 (0)121 204 3000 [www.abs.aston.ac.uk](http://www.abs.aston.ac.uk)