

LLB Advanced Administrative Law



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Module description:

This module provides a framework for a reflexion on English administrative law and its evolution. It facilitates a critical analysis by students of a range of issues in English administrative law. While a number of these issues have not been studied at all in the first year course, others will be examined in more depth by focusing on a specific angle. To help with the analysis and assessment of these issues, comparative and empirical data will be used. Solutions of other legal systems (e.g. France, EC, USA) will not be used systematically but will be identified for their particular relevance to the specific point of English administrative law in issue. Empirical data taken from past and recent researches analysing the processes of Judicial Review will be used to allow a thorough knowledge and assessment of the procedural aspects of judicial review. All topics will give priority to a principled approach of the issues.

The module covers the following topics:

- Conceptual foundations of administrative law (Is the 'fig leave' v. common law debate still relevant?)
- Constitutional framework
- Claim for Judicial Review (Empirical assessment of the procedure of CJR – some serious questions)
- Alternative to JR (Are alternatives to judicial review really suitable? Desirable?)
- Jurisdictional error (the control of the courts over error of facts)
- Procedural propriety (an instrumental or non-instrumental model?)
- Control of discretion (Finding alternatives to Wednesbury?)
- Legitimate expectations
- Government liability
- Public contracts (the contracting-out and the protection of the HRA)
- Administrative law in a changing world