

MODULE SPECIFICATION

Code: UJXU5A-20-3 **Title:** Public Law **Version:** 2
Level: 3 **UWE credit rating:** 20 **ECTS credit rating:** 10

Subject type: Non MAR subject (but standard module equivalent)

Owning Faculty: Faculty of Business and Law

Faculty Committee approval: QSC **Date:**

Valid from: February 2012]

Pre-requisites: None

Co-requisites: all other Foundation subjects, the other (8th) area of legal study (Independent research project) and English Legal System

Excluded combinations: None

Learning outcomes:

Knowledge and Understanding

At the end of this subject students will be able to demonstrate:

1. knowledge and understanding of the working of the UK constitution
2. an appreciation of the theoretical principles which underlie it
3. an appreciation of the significance of human rights at the European and national level
4. a sound knowledge and understanding of the legal machinery for the protection of human rights
5. a sound knowledge and understanding of the substance and procedure of judicial review

These skills are developed throughout the course, in lectures, seminars and workshops and are assessed in any coursework which is part of the assessment schedule in any given academic year, and examination.

Intellectual skills

At the end of this subject students will be able to demonstrate:

1. skills of analysis and synthesis in examining constitutional law
2. skills of evaluation and criticism in the study of the continuing process of constitutional reform
3. problem solving skills in the application of the law in areas such as human rights and judicial review.
4. an ability to make reasoned proposals for constitutional reform

These skills are developed through preparation for and discussion in seminars and workshops, are assessed in examinations and form an important part in any coursework which is part of the assessment schedule in any given academic year.

Subject specific skills

At the end of this subject the following subject specific skills will have been developed and enhanced:

1. the ability to research using both legal and non-legal materials, particularly using electronic sources
2. the capacity to become aware of and comment on current developments, often on a daily basis
3. the ability to present reasoned legal and constitutional argument, both orally and in writing
4. the ability to evaluate a wide range of written materials, both legal and non-legal

These skills are developed in preparation for and participation in seminars and workshops and in the preparation of any assessed coursework.

Transferable skills

At the end of this subject the following skills will have been developed and enhanced:

1. Oral communication skills are developed in seminars and particularly in workshops, where individual students may be called on to present arguments for or against a proposition, either to a group within the workshop or to the whole plenary session.
2. Skills of persuasive advocacy are developed through workshop and seminar debate.
3. Written communication skills of a high order are required for any coursework tasks.
4. IT skills are developed through the research necessary for any coursework which is part of the assessment schedule in any given academic year and for the preparation for classes; students are referred to relevant sites on the Internet and are expected to use a variety of research tools.
5. Students are expected to make connections across subject boundaries; for example between public law and european union law, and between human rights and criminal law.
6. Team-working is developed in workshop activities, where co-operative work is the norm. For example, students may be asked to divide a range of tasks among themselves, or to prepare and present a joint defence of a proposition.

Syllabus outline:

PART A. CONSTITUTIONAL LAW

1. Nature of the UK constitution
Comparison with written constitutions
2. Sources of the UK constitution
Written sources
Constitutional conventions
3. Constitutional theory
Constitutionalism
Rule of Law
Separation of Powers
4. The Supremacy of Parliament
Traditional theories
Impact of the EC
Devolution
5. Parliament
Electoral systems
Functions and powers of the House of Commons
Parliamentary privilege
Functions and reform of the House of Lords

6. Government
The royal prerogative
Prime Minister and Cabinet
Ministerial responsibility

PART B. ADMINISTRATIVE LAW

Judicial control of executive action, including –

- judicial review
 - standing
 - illegality
 - irrationality
 - proportionality
 - procedural impropriety
 - legitimate expectations
 - remedies and procedures

PART C RIGHTS AND LIBERTIES

1. Human Rights
The European Convention on Human Rights
The Human Rights Act
2. Freedom of expression
3. Freedom to protest

Teaching and learning methods:

Class Contact

Full Time CPE

The class contact pattern is as follows:

- | | |
|-----------------------|--|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per fortnight | workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic |

In any given academic year, there will normally be

- 15 on-hour lectures, including introductory and revision lectures;
- 12 hours workshops (6 x 2 hours), including a revision workshop; and
- 10 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 37 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction tuition session:

- 1 hour subject introductory lecture

At the five subsequent tuition sessions:

- 3 ½ hours with tutor. Normally split into 1 ½ hours in plenary session and 2 hours in seminar groups

Consequently, in any academic year, there will normally be 18 ½ hours of contact time.

Assessment

Assessment in any given academic year takes the form of either:

(a) Coursework and Examination

- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

(b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through the UWE Library (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2011/2012 academic year, the texts provided to students will be:

Barnett, Constitutional & Administrative Law, 9th ed, Routledge
Blackstone's Statutes on Public Law and Human Rights

Assessment

Public law is taught and examined in the same Teaching Block of the Diploma as Obligations I (Contract), Obligations II (Tort) and Criminal Law. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in alternate years, there will be assessed coursework in Public law. In every academic year, there will be an unseen examination in each of the four subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination