

Module Guide (1)

FOUNDATIONS OF PUBLIC LAW

LAW_4_FPL (Level 4)

PLEASE MAKE SURE YOU
HAVE ACCESS TO

(1) THIS MODULE GUIDE,

(2) THE SEPARATE TOPIC
OUTLINES AND

(3) THE SEPARATE
WORKSHOP AND SEMINAR
MATERIALS FOR EACH
TOPIC

IN **EVERY** TEACHING
SESSION. THEY ARE ALL
AVAILABLE ON MOODLE.

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1. MODULE DETAILS

Module Title	Foundations of Public Law
Module Level	Four
Module Reference No	Law 4 FPL
Credit Value	20
Student Study Hours	200
Contact Hours	48
Private Study Hours	152
Pre-requisite learning	None
Co-requisite Modules	None
Courses	LLB/CD
Module Coordinator	Dr Michael Rodney
MC Contact Details	Dr Michael Rodney Email: Rodneyma@lsbu.ac.uk ;
Seminar Tutors	Alan Birbeck Email: birbeca2@lsbu.ac.uk ; Catherine Evans E-mails evansc@lsbu.ac.uk
Subject Area	Law
Summary of Assessment Method	CW1 Multiple choice test; CW2 Advocacy Assessment
External Examiner appointed for module	Jayne Jeffcott, University of Law, Birmingham

2. SHORT DESCRIPTION

The purpose of this module is to provide an introduction to constitutional and administrative law. Concentration will be upon the values which pervade constitutional practice, sources of which the constitution comprises, an introductory overview of the principles which underpin it and an exploration of the legal manifestations of the constitution by reference to the articulation between state and individual as expressed through the operation of police powers, the nature and effect of the Human Rights Act and the operation of judicial review.

3. AIMS OF MODULE

- To provide students with a good grounding in constitutional values and sources;
- To provide students with a good overview of the principles that underpin the operation of the constitution;
- To provide a good grounding of the operation of the legal manifestations of the constitution by reference to the operation and regulation of police powers, principles associated with the development of human rights with particular reference to the Human Rights Act 1998 and the operation of judicial review;
- To develop students' understanding of selected historical and social developments which have impacted upon the nature of constitutional arrangements in the United Kingdom.

4. **LEARNING OUTCOMES**

4.1 Knowledge and Understanding

Students will acquire knowledge and understanding of:

1. Key features of the fundamental principles and values which underpin public law in England and Wales [A1];
2. The sources of public law and how they are created and developed [A3]
3. Aspects of the functioning and limits of public law in achieving individual and policy goals [A5];
4. Aspects of the significance of social, political and moral contexts in the development of public law [A6]

4.2 Intellectual Skills

Intellectual Skills:

Students will acquire and develop intellectual skills so that they can:

1. Analyse and solve legal problems by selecting and applying primary sources of law to simple factual situations [B1]
2. Analyse conflicting interpretations of statutes and cases, applying the rules of statutory interpretation and the doctrine of precedent [B2];
3. Analyse aspects of the law and law reform proposals in their social, political, economic and moral contexts [B3].

4.3 Practical Skills

Students successfully completing this module will acquire practical skills so that they can:

1. Communicate effectively in writing through successfully undertaking assessments [C1];
2. Read and understand basic legal materials [C2];
3. Produce processed word documents [C5].
4. Use ICT to store, retrieve and communicate information [C6];
5. Undertake research using electronic media [C7];
6. Use the VLE including where required for the submission and/or completion of assessment [C8].

4.4 Transferable Skills

Students successfully completing this module will acquire transferrable skills and values so that they can:

1. Plan and manage their work, including setting priorities in terms of relevance and importance [D2]
2. Comply with standards of scholarly practice [D7].

5. **ASSESSMENT OF THE MODULE**

There are two elements of assessment.

Assessment method	Summative Assessment 1 (CW1) One MCT Test –80 minutes long (50% Weighting) The MCT will contain 40 questions on the syllabus. Assessment 2 (CW2) (50% Weighting) Written and Oral Application on Judicial Review -Written aspect three sub-grounds of Judicial Review; -Oral Aspect presentation of one of the three sub-grounds of Judicial Review within 5 minutes
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6. **FEEDBACK**

Feedback will be provided for students undertaking workshop and seminar exercises as well as practice multiple choice tests.

7. INTRODUCTION TO STUDYING THE MODULE

7.1 Overview of the Main Content

The Basic Features of the Constitution and Government

- What is government? Why have it? Problems associated with government? The principle underlying methods of curbing governmental power. Values connected with legitimate government and constitutional arrangements.
- The sources associated with the enabling and regulation of the UK government.
- An introduction to the principles upon which government is organised including aspects of the nature and purpose of parliamentary sovereignty, the rule of law and the relation between the two

The Human Rights Act; its history, context and content

- The traditional approach of UK law towards civil liberties;
- The main provisions of the European Convention on Human Rights;
- The basic principles developed around the interpretation of the ECHR;
- The nature of the Human Rights Act 1998 and its implications.

The Control by the Judges of Executive Power

- The development and growth of judicial review;
- The constitutional underpinnings of judicial review;
- The basic principles of judicial review;
- The potential impact of the Human Rights Act 1998;
- The application of its principles to problem scenarios.

7.2 Overview of Types of Classes

Weeks 3 to 12:	One 2 hour lecture per week One 1 hour workshop per week One 1 hour seminar per week
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In addition to this module guide, each student is supplied with the teaching materials for the module. These materials provide:

- the structure and outline content of each lecture.
- Structured reading for each topic;
- Workshop and seminar exercises;
- A specimen exam paper applicable to the current module;
- Past exam paper questions from a similar module which was taught in the past.

Lectures are the primary vehicle for the transmission of the structure and main principles associated with the topic. At the end of each lecturer students should have a clearer understanding of the topic covered and also those areas within it that require further investigation in private study time and for the purposes of workshop and seminar preparation.

Workshops are tutor led but will invite student participation. Where appropriate they will enable students to gain a deeper knowledge of particular topics. Judgments may be examined in depth. Where appropriate students will be provided with an opportunity to develop their analytical skills and see how particular types of questions should be approached which might appear in formal assessments.

Seminars that take place in smaller groups are structured to facilitate the student's ability to test whether they have a satisfactory understanding of the relevant issues under consideration and their capacity to develop coherent and relevant argument. This is done through the student's engagement with a variety of exercises prepared by the student.

7.3 Importance of Student Self-Managed Learning Time

7.3(a) Importance of student self-managed Study Time

To successfully complete this module requires you to engage in regular self-managed study each week of the module's duration and in the lead up to the examination. Such study will enable you to adequately prepare for seminars which are an essential part of the preparation that you must undergo to successfully complete the assessed exercises which you will be given the form of a written course work and examination. Regular self-managed study also enables you to keep up-to-date with the topics as they are covered in the large group sessions and to quickly spot any areas or points which are not clear to you and which require further investigation or an approach to the module co-ordinator or your lecturer for clarification.

7.3(b) How to effectively use independent Study time

Each week you will be provided with a reading list of articles and extracts from books which you will be expected to read. The list will generally be divided into two sections. There will be a **required reading** section and a **further reading** section. You will be expected to read the material referred to in the required reading section at the **very minimum**. You are strongly advised also to read the references under the further reading section. This is because the more you read around a subject the deeper and more critical your understanding will become which will enable you to:

- Contribute more fully in lectures and seminars;
- Ease the task of revision;
- Increase your prospects of obtaining high marks in the assessment exercise.

Simply confining yourself to one textbook and your lecture notes is limiting since no one author has a monopoly of wisdom on public law and given that much of the subject is controversial and subject to differing perspectives, it is important that you expose yourself to different authorities.

Whilst one cannot prescribe the number of hours you should devote to independent study each week since your pace and method of study will be individually determined, as a **rule of thumb**, you should expect to devote **at least 7 hours a week** to reviewing your lecture notes, reading the prescribed material and preparing the answers to questions in the seminar papers.

7.4 Employability

The knowledge, transferable and research- orientated skills acquired in this module will facilitate employability in the legal profession, law related and other graduate level careers.

8. THE PROGRAMME OF TEACHING, LEARNING AND ASSESSMENT-LAW 4 FPL FOUNDATION OF PUBLIC LAW 2019-20 MODULE CHRONOLOGY (N.B. READING WEEK WEEK 6)

	Monday or Tuesday	Tuesday	Thursday	Webley & Samuels 2018 Indicative Reading
Week	Application-Seminar	Knowledge-Lecture	Skills-Workshop	See Topic Notes for detail
Week 0: 16/09/19	AGB Induction	AGB Induction	AGB Induction	
Week 1: 23/09/19	CJ Foundation	CJ Foundation	Nil	
Week 2: 30/09/19	CJ Foundation	1. Constitutions [MR]	1. Constitutions [MR]	1, 2, 3
Week 3: 07/10/19	1. Constitutions [MR]	2. Sources	2. Sources	12 & 6
Week 4: 14/10/19	2. Sources	3. Doctrines: PS & ROL	3. Doctrines: PS & ROL	7 & 4
Week 5: 21/10/19	3. Doctrines: PS & ROL	4. HR ECHR	4. HR in Action [AGB]	9
Week 6: 28/10/19	<i>Reading Week</i>	<i>Reading Week</i>	<i>Reading Week</i>	
Week 7: 04/11/19	4. HR ECHR-Identifying Grounds	5. HR HRA 1998	5. HR HRA 1998	9
Week 8: 11/11/19	5. HR HRA 1998	6. JR Context 7. JR Ground A Illegality (Lecture)	7. JR Ground A Illegality (Lecture)	(14, 15, 19, 20); 16
Week 9: 18/11/19	6. JR Ground A Illegality	8. JR Ground B Irrationality; 9. JR Ground C Procedural Impropriety (Lecture) [AGB]	9. JR Ground C Procedural Impropriety (Lecture)	17, 18
Week 10: 25/11/19	7. JR Ground A-C	9. JR Advocacy & Study Skills [AGB]	9. JR Ground A-C Full Problem Scenario (Workshop)	“”
Week 11: 02/12/19	8. JR Assessment Mock: Three grounds on two sides A4-750 When? A specified slot: Monday 02/12/19 @ 09:00-17:00; or Tuesday 03/12/19 @ 09:00-17:00 or Thursday 04/12/19 @ 09:00-13:00			
Week 12: 09/12/19	9. Feedback & Preparation	10. Revision: CW2 Oral Advocacy Feedback & Handout	10. Revision: CW1 MCT Revision Session;	

A typical week: One 2 hour Lecture per week
 One 1 hour Workshop per week
 One 1 hour Seminar per week

9. **STUDENT EVALUATION**

The overall student satisfaction level for 2018-2019 is available on the moodle site.

10. **LEARNING RESOURCES**

10.1 CORE MATERIALS

Lisa Webley and H Samuels, *Public Law Text, Cases, and Materials* (4th edn Oxford University Press, 2018) – hard copy; **also available on TROVE**

10.2 OPTIONAL MATERIALS

Textbooks:

J Alder, *Constitutional and Administrative Law*, (11th edn, Palgrave Macmillan Law Masters 2017)

A W Bradley, KD Ewing and C Knight *Constitutional and Administrative Law* (17th edn, Pearson 2017)

I Loveland, *Constitutional Law A Critical Introduction* (8th edn, OUP, London 2018)

M Ryan, *Unlocking Constitutional and Administrative Law* (4th edn, Routledge Education, London 2018)

Cases and Materials:

B Thompson and M Gordon, *Cases and Materials on Constitutional and Administrative Law* (12th edn Oxford University Press, Oxford 2017); **available on TROVE**

H Fenwick, G Phillipson and A. Williams, *Text, Cases and Materials on Public Law and Human Rights* (4th edn Cavendish Publishing Ltd 2016)

10.3 The Virtual Learning Environment: the Moodle Site

On the Moodle site you will find the Module Guide, teaching materials, seminar materials and practice MCT questions. It is very important that you engage with these exercises fully as the more practice you get, the more likely it will be that the knowledge and understanding you are developing about the subject will become securely embedded in your mind.

You will need the following to enter the site:

1. Module code which is Law_4_FPL
2. Your LSBU User name
3. Your LSBU Password

Important messages will as and when necessary be posted up on the message board which forms part of the site. As the module progresses you will find additional material on the site relating to seminar questions or recent developments. **It is important that you examine the site on a weekly basis.**

10.4 Internet Sites

Useful internet sites

<https://my.lsbu.ac.uk/my/applicant>

London South Bank's library web-site. It is a gateway to numerous legal sites including WESTLAW and should be your first point of call when carrying out legal research on the internet

<http://www.legislation.gov.uk>

Very useful. Access to all Acts of Parliament, secondary legislation and draft legislation.

11. TIPS ON MAXIMISING YOUR CHANCES OF SUCCESS IN YOUR MCT AND EXAMINATION:

1. **Attend** all lectures, workshops and seminars;
2. **Take advantage** of the support materials provided for you on the Moodle site by fully engaging with them. **A public law training camp** has been set up on Moodle which will be made available to you. It will comprise various exercises which will be built up over the coming weeks. These will initially concentrate upon multiple choice questions which will be joined by other exercises over the coming weeks.
3. **Read** the material whose references are provided and make appropriate notes;
4. **Prepare** the questions in the seminar and workshop exercises provided;
5. **Keep up to date** with your notes, reading and seminar and workshop preparation;
6. If you do not understand something covered in either lecture, workshop or seminar, ask the lecturer to clarify either in the lecture/workshop/seminar or soon afterwards.
7. **Regularly** do the exercises provided for you on the Moodle site
8. Do **not** leave your revision to the last minute. Plan it properly and leave yourself adequate time;
9. Do **not** restrict your revision simply to passively memorising notes. That on its own is **inadequate** as it does not test your understanding or demonstrate the extent to which you can reproduce under examination conditions, the information learned. **It can lead to a false sense of security** which may well be shattered when you are faced with the examination paper by which time it is too late to rectify the situation.
10. The MCT and Advocacy questions are set to test your understanding of the subject and your appreciation of the connections between different parts of the constitutional law syllabus. In addition you are in effect being tested on your examination technique. Therefore you are well advised to devote a significant proportion of your revision time in **actively utilising your knowledge** by answering seminar and workshop questions and the exercises supplied for you on Moodle.