

30514 - Administrative Law: Special Part

Syllabus Information

Academic year: 2023/24

Subject: 30514 - Administrative Law: Special Part

Faculty / School: 102 - Facultad de Derecho

Degree: 432 - Joint Law - Business Administration and Management Programme

ECTS: 6.0

Year: 3

Semester: Second semester

Subject type: Compulsory

Module:

1. General information

The main goal of this subject is to provide an introduction to the special part of Administrative Law. It is to know and understand the exercise of powers and modes of action, the forms and principles of public procurement and the rules of public property management in general and in particular of water and coasts. The approaches of this subject are oriented towards the achievement of SDGs 4.7, 6, 10.3 and 16.6.

2. Learning results

1. Knows and explains with precision the topics of Administrative Law. Special Part included in the program of the subject (SDGs 4, 6, 10 and 16).
2. Apply their theoretical knowledge and the rules of the legal-administrative system to the resolution of practical cases in the field of the Special Part (ODS 4).
3. Use the legal terminology proper to Administrative Law, both in written and oral expression.
4. Knows how to offer alternative solutions to existing legal conflicts and identifies the competing interests at stake.
5. Fluently reads documents of the administrative procedure and the contentious-administrative process.
6. Exercises legal reasoning skills and provides answers to simple legal problems (SDG 16).

3. Syllabus

BLOCK I. THE ACTIVITY OF PUBLIC ADMINISTRATIONS

Unit 1: Modalities of administrative activity

- The management or police activity and its techniques. In particular, administrative authorization.
- Promotional or promotional activities. In particular, the subsidy.
- The Administration's rendering activity. Public services.
- The economic activity of the Administrations. The public company.

BLOCK II. SANCTIONING AND EXPROPRIATION POWERS

Unit 2. The sanctioning power

- Concept and functions of administrative sanctions.
- Constitutional framework and general principles governing the sanctioning power.
- The content of the sanctioning measures.
- The administrative sanctioning procedure.

Unit 3. Power of compulsory expropriation

- The legal concept of compulsory expropriation and its essential guarantees.
- The elements of the expropriation power: subjects, object and cause.
- The ordinary expropriation procedure.
- Expropriation for reasons of urgency.
- Guarantees and control in the expropriation power.

BLOCK III. THE CONTRACTUAL ACTIVITY OF THE PUBLIC SECTOR

Unit 4. Public procurement

- System of sources of public procurement. Principles of public procurement.
- Subjective scope of application: the concept of contracting authority.
- Types of public contracts and excluded businesses.
- The figure of the contractor. Solvency and prohibitions.
- Procedures for awarding administrative contracts.

Unit 5. Legal regime of public contracts and, in particular, administrative contracts.

- Execution and performance of the public contract: payments, modification and subcontracting.
- Specialties in the execution and termination of administrative contracts.
- Public procurement appeals system

BLOCK IV. PUBLIC ASSETS

Unit 6. **General regime of the assets of the public administrations**

- Typology of public goods.
- The protection regime.
- Acquisition of goods and rights by public administrations.
- The public domain. Affectation and disaffectation. The use of the public domain.
- The patrimonial goods: patrimonial management.

Unit 7. **Study of some special property regimes**

- The public water domain and public water administration.
- The maritime-terrestrial public domain.

4. Academic activities

4.1. FACE-TO-FACE ACADEMIC ACTIVITIES

Master class: 36 hours (theoretical-practical sessions in which the contents of the course will be explained).

Practical exercises: 24 hours (problem solving and case studies, assignments and face-to-face tutorials).

Personal study and preparation of practical assignments: 85 hours.

Assessment tests. 5 hours.

Academic activities type 6: Complementary activities will be carried out, of diverse content, such as seminars, conferences, actors' roles, film forums, etc.

5. Assessment system

5.1. PRESENCE-BASED MODALITY

GLOBAL ON-SITE ASSESSMENT

The assessment of the subject *Administrative Law Special Part* will be adjusted to the global assessment test system.

This comprehensive test will be held according to the exam schedule approved for the different exams of the academic year, will be written and will cover all the contents of the Administrative Law Special Part syllabus and will be developed in two

a. A **theoretical test**, which will consist of between three and six short questions, related, but not necessarily coinciding with the headings of the *Administrative Law* program. *Special Part*, with limited space to answer. For the theoretical test the student may not consult books, notes or texts of any kind, nor use electronic media. Its duration shall not exceed 50 minutes.

b. A **practical test**, which will consist of the development and reasoned response to a series of questions formulated around a factual assumption, with the exclusive help of legal texts and also with limited space to answer. Its duration shall not exceed 240 minutes.

The overall grade of the course will be given by the weighted average of the grades of both tests, being the value of the theoretical test 30% and the practical test 70%. The weighted average will not be calculated if a student does not take the two tests -theoretical and practical- that make up the global test, . Nor when the grade obtained in any of the tests does not reach a minimum of 40% of the respective grade. The grades of the theoretical or practical tests will not be kept for successive calls.

CONTINUOUS ON-SITE ASSESSMENT

It is possible to pass the theoretical part of the global test in advance during the school period.

In order to pass the theoretical part of the global test in advance, the student will have to prove a profitable and regular work during the academic period, participating and passing all the assessable activities designed and programmed to effect by the teaching staff responsible for the subject. These assessable activities, in the number determined by the faculty , may consist of answering short questions, test-type questionnaires or the completion of other exercises, oral or written, related to General Administrative Law.

Students who pass all the evaluable activities will only have to take the practical part of the global test, , which has a value of 70% of the final grade. The grade of the early evaluation may be retained in the calls of the same academic year.

Assessment criteria: The knowledge acquired, the adequacy of the question-answer, the clarity and precision of the answers, the use of legal terminology, the suitability of the arguments used, the ability to resolve conflicts by offering alternative solutions based on law, the ability to compare ideas and abstract legal concepts, the correct support in current legislation, the ability to synthesize and analyze, as well as the quality of written expression, reasoning and application of legal principles and rules will be assessed.