Unit 7: Public Law I

Learning hours: 72 hours

Unit level: H1 (H1 or H2 for BTEC Higher Nationals only)

Unit description

The aim of this unit is to provide foundation knowledge of constitutional law. On completion of this course learners will be expected to critically evaluate the fundamental concepts of constitutional law, its scope and sources. Learners should have a sound understanding of structure, composition and functions of Government and Parliament. Furthermore, learners are expected to be aware of any reforms, particularly of the House of Lords and House of Commons. In addition learners should be able to critically analyze these reforms.

Summary of learning outcomes

To achieve this unit a learner must:

1. Explore and critically evaluate the **constitutional fundamentals.**
2. Identify the structure, composition and function of **The Government.**
3. Identify the structure, composition and function of **The Parliament: House of Commons** and analyse its reforms.
4. Identify the structure, composition and function of **The Parliament: House of Lords** and critically evaluate its reforms.

Content

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1. Constitutional Fundamentals

Fundamentals of Constitution: Meaning of constitution; Nature of British constitution; Sources of constitution (both legal sources and conventions)

Parliamentary Sovereignty: AV Dicey's three principles of parliamentary sovereignty; Effect of European Union on parliamentary sovereignty

Separation of Powers: Major institutions of the British state, namely the executive, parliament and the judiciary, their composition and functions, judicial independence; the relationship between the institutions;

Rule of Law: AV Dicey's three principles of rule of law; Practical implications of rule of law for English Legal System; Examples of relevant cases;

2. The Government

The Government: The structure of government, Central government, Cabinet and Ministerial responsibility, Role of Crown in relation to government, role of Privy Council, functions of Prime Minister, civil service, functions of civil service, relationship between Ministers and civil servants, concepts of individual and collective ministerial responsibility, devolution and local government, role and functions of local authorities and regional assemblies.

3. The Parliament: House of Commons

House of Commons: Composition and procedure, relationship between government and opposition, classification of bills, process by which bills become Acts of Parliament, role and importance of delegated legislation, Scrutiny of the Executive, Role of the MP as an individual,.

4. The Parliament: House of Lords

Composition of House of Lords;

Functions of House of Lords: scrutinising, amending and approving law making proposals of House of Commons,

The Parliaments Act 1911 and 1949: role of House of Lords in legislative process; conflicts between house of lords and commons in legislative process; rules under which House of Commons may present a bill for Royal Assent without Lords' consent.

Reforms of the House of Lords: differing proposals for reforms, the merits of reform proposals, criticisms of reform proposals.

Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria for pass **To achieve each outcome a learner must demonstrate the ability to**:
1.Constitutional Fundamentals	• Explain and analyze the advantages and disadvantages of British constitution. Explain the sources of constitution • Evaluate the principles of parliamentary sovereignty and the effect of EU on it. • Evaluate the importance of separation of powers. • Evaluate the principles of rule of law and the practical implications of rule of law in English legal system.
2. The Government	• Explain the Role of Crown in relation to government and the role of Privy Council. State the powers and functions of Prime Minister; • Explain the role of Civil service and the nature of relationship between ministers and civil servants. • Discuss the concept of individual and collective ministerial responsibility; • Explain role and functions of local authorities and regional assemblies.
3.The Parliament: House of Commons	• Explain the Composition of House of Commons • Discuss relationship between government and opposition; • List the differing classification of bills and the process by which bills become Acts of Parliament; • Evaluate the adequacy and importance of the scrutiny of the executive
4. The Parliament: House of Lords	• Explain the composition and functions of House of Lords • Evaluate and analyze the reforms and proposals of reforms of House of Lords

Guidance on delivery and assessment

Delivery

This unit should be delivered with fundamentals of constitution. After this topic, other topics could be covered with personal preference. Group work and other active methods of learning can be employed to enhance learners' experience and promote the required understanding. The use of case studies and specimen documentation is to be particularly encouraged, both as a means of assessment and as part of the normal learning process. Students may take part in research.

Assessment

Evidence of outcomes may be in the form of:

- Essays
- Reports on reforms
- Case studies
- Oral presentation

Links

This unit links to Public Law II and will provide a foundation for the unit public law II.

Resources

Textbooks

a. Hilaire Barnett-Constitutional and Administrative Law 7th ed
b. Colin R. Munro-Studies in Constitutional Law 2nd ed
c. Michael Allen, Brian Thompson-Cases and Materials on Constitutional and Administrative Law 9th ed

Websites

www.dca.gov.uk

Centre devised unit