



IDENTIFYING DATA

Law: Administrative law 1

Subject	Law: Administrative law 1			
Code	P04G091V01101			
Study programme	(*)Grao en Dirección e Xestión Pública			
Descriptors	ECTS Credits 6	Choose Basic education	Year 1st	Quadmester 1st
Teaching language	#EnglishFriendly Spanish Galician			
Department				
Coordinator	Valcárcel Fernández, Patricia			
Lecturers	Barreiro García, Adamantino Valcárcel Fernández, Patricia			
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General description	<p>The objectives pursued by the teaching of administrative law are the examination and analysis of the legal-administrative system, as well as the different modalities of public administrations, the legal instruments of their activity.</p> <p>In accordance with these objectives, particular emphasis will be placed on familiarizing the students with the necessary tools for the study and management of the discipline and its own lexicon, so that in the following it can interpret and submit the legal critique any text legal or jurisprudential or any document issued by a public administration without any limitation that prevents its understanding.</p> <p>It is not so much that the students accumulate an immense amount of memorized data on the legal-administrative norms, but to promote a comprehensive and critical approach to this branch of the legal system and to the activity of the different public administrations.</p> <p>English Friendly subject: International students may request from the teachers: a) materials and bibliographic references in English, b) tutoring sessions in English, c) exams and assessments in English.</p>			

Competencies

Code	
A1	Students have demonstrated to possess and understand knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects that imply knowledge coming from the vanguard of his field of study.
A2	Students know how to apply their knowledge to their work or vocation in a professional manner and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
A3	Students have the ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant social, scientific or ethical issues.
A4	Students can transmit information, ideas, problems and solutions to a specialized and non-specialized audience.
A5	Students develop those skills of necessary learning to undertake back studies with a high degree of autonomy.
B1	Skills in the search for information, in relation to primary and secondary information sources, including the use of computers for online searches
B2	Ability to analyze, synthesize and integrate knowledge and planning for the preparation of judgments with limited information
B3	Listening and reading comprehension skills and oral and written communication skills.
C1	To know the juridical-legal framework of Spanish public administrations.
D1	Capacity of analysis and synthesis for building and defending arguments Know how
D4	Skill for independent resolution of problems in relation with information qualitative and quantitative know

Learning outcomes

(*)O alumnado deberá alcanzar unha visión e comprensión do conxunto dos mecanismos e institucións xurídico-administrativas, manexar con soltura o sistema de fontes da materia obxecto de estudo e resolver problemas xurídicos relacionados coa materia obxecto de estudo. En particular, deberá coñecer con detalle as Administracións públicas, a súa organización e a súa actividade, os actos administrativos, o procedemento, os recursos administrativos, así como a contratación do sector público.	A1	B1	C1	D1
	A2	B2		D4
	A3	B3		
	A4			
	A5			

Contents

Topic

Lesson 1- The Administrative Law and the Public Administration: concept and characters	1. Introduction to the Administrative Law 2. The legal system 3. The Administrative Law determined by the concept of Public Administration a) Administrative Law b) Public Administration 4. The characters of Administrative Law
Lesson 2- Foundations of the administrative Law	1. The Constitution 2. 4. The Administrative Law and the rules with force of law a) The Decrees-Law b) The legislation delegated: exercise and controls of the legislative delegation. 3. The autonomic State and their legislation a) The Statutes of autonomy. b) The relations between the state Laws and the autonomic ones. c) The basic Laws. 5. The by-law a. Concept b. Justification of the regulatory power c. Distinction between the by-laws and the administrative acts d. The singular non-derogability of the by-laws e. The relations between the law and the by-law f. Kinds of by-laws g. Formal and material limits which condition the validity of the by-laws h. The illegal by-laws. Mechanisms of control of the legality of the by-laws
Lesson 3- The subjects: The Public Administrations and their organization. The citizen	1. The public sector 2. The Public Administrations a. The legal personality of the Administration b. The diversity of Public Administrations c. The capacity of the public legal entities d. The administrative bodies. The competence e. The organization of the Spanish territorial Administrations f. The organization of the institutional Administrations and corporative entities 3. The citizen a. Relations of supremacy or general and special subjection b. The ability to act and its amending circumstances c. The subjective legal situations
Lesson 4- Foundations of the administrative activity: the principle of legality of the Administration	1. Contents of the principle of legality 2. Concept of administrative power 3. The mechanisms of attribution of powers to the Administration 4. Kinds of administrative powers 5. In particular, the discretionary power and its differences with the undetermined legal concepts 6. Mechanisms of control of the discretion

Lesson 5- The administrative acts: kinds, elements, effectiveness, validity. The administrative silence

1. Concept of administrative act
2. Elements of the administrative acts
3. Kind of administrative acts: the relevance of the different criteria
4. The effectiveness of the administrative acts
 - a. Concept
 - b. La immediate effectiveness
 - c. Exceptions to the immediate effectiveness:
 - i. Delayed effectiveness; notification and publication of the administrative acts
 - ii. Early effectiveness
5. Theory of invalidity: degrees of invalidity of the administrative acts
 - a. The voidability of the administrative acts
 - b. Absolute nullity
 - c. Non-invalidating irregularities
6. The problem of the inactivity of the Administration
 - a. The duty to resolve and notify. Deadlines
 - b. Effects of the administrative silence
 - c. Procedures initiated at the request of the interested party
 - d. Procedures initiated ex officio. Expiry
 - e. Legal nature of the administrative silence: legal fiction or presumed act. The effectiveness of the presumed acts
 - f. The deadlines to appeal for the administrative silence
 - g. The administrative silence in Urban Law

Lesson 6- The administrative procedure

1. The common administrative procedure and the "additional or different formalities". The electronic processing of the procedure.
2. The general principles of the procedure
3. The interested parties
4. Terms and deadlines: its calculation
5. Stages of the administrative procedure: initiation, proceedings and termination

Lesson 7- The administrative remedies

1. Concept and characteristics of the administrative remedies. Alternative procedures of challenge and claim
2. Kinds of administrative remedies
 - a) Ordinary remedies (alzada and reposición)
 - c) Extraordinary appeal: revision
 - d) Special remedies
3. The revocation of the administrative acts
 - a) Revocation on the grounds of legality: the revision of null and voidable acts
 - b) Revocation on the grounds of opportunity
4. The rectification of material, factual or arithmetical errors.
6. The suspension of the effectiveness of the administrative acts in the event of administrative appeal or ex officio revision

Lesson 8- Administrative coercion. In particular, the execution of the administrative acts

1. The forced execution of the administrative acts
 - a. The premises for the execution
 - b. Principles of the execution procedure
 - c. Means of forces execution
2. The direct coercion
3. De facto proceedings

Lesson 9- The contentious-administrative-jurisdiction

General features

Planning

	Class hours	Hours outside the classroom	Total hours
Seminars	10	45	55
Seminars	2	0	2
Lecturing	33	50	83
Problem and/or exercise solving	2	3	5
Problem and/or exercise solving	2	3	5

*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies

Description

Seminars	(*)Desenvolveranse as seguintes actividades coa finalidade de repasar ou profundar nos contidos abordados nas sesións maxistras: Resolución de supostos prácticos; análise de contidos específicos; postas en común e resolución de dúbidas; realización dunha ou varias probas obxectivas; preparación dun recurso administrativo.
Seminars	(*)Resolución de casos, probas, ou realización de exposicións por grupos. Resolución de dúbidas do alumnado e afianzamento de contidos.
Lecturing	(*)Exposición por parte do profesor das cuestións principais de cada un dos temas que integran os contidos da guía docente, fomentando a participación dos/as estudantes mediante preguntas. Exposición teórica dos contidos do programa.

Personalized assistance

Methodologies	Description
Seminars	Clarification of doubts and resolution of individual practical cases that are developed on the topics explained in class. Students in both face-to-face and blended modality can answer questions related to the subject (content, work or practices), as well as attention to their needs and queries related to the study and / or subjects related to the discipline, providing guidance, support and motivation in the learning process
Seminars	Clarification of doubts and resolution of cases, tests, or realization of exhibitions by groups. Resolution of student doubts and consolidation of contents. Students in both face-to-face and blended modality can answer questions related to the subject (content, work or practices), as well as attention to their needs and queries related to the study and / or subjects related to the discipline, providing guidance, support and motivation in the learning process
Tests	Description
Problem and/or exercise solving	Clarification of doubts and resolution of problems or exercises that are exposed
Problem and/or exercise solving	The student will have to answer several questions (theoretical and / or practical), for which the teacher may, if deemed appropriate, allow the use of legal texts.

Assessment

Description		Qualification	Training and Learning Results		
Seminars	Assistance and active participation based on criteria/arguments	30	A1 A3 A4 A5	B1	D1
Seminars	Assistance and active participation based on criteria/arguments	5	A1 A3 A5	B1 B2	D1
Lecturing	Assistance and active participation based on criteria/arguments	5	A1 A3	B3	C1
Problem and/or exercise solving	Problems and / or exercises related to the subject will be formulated. The students must develop the analysis and address the resolution of problems and / or exercises.	30	A1 A2	B2	D4
Problem and/or exercise solving	The student will have to answer several questions (theoretical and / or practical), for which the teacher may, if deemed appropriate, allow the use of legal texts.	30	A1 A2 A3 A4	B2 B3	C1 D4

Other comments on the Evaluation

PARTICULAR CLARIFICATION FOR PRESENTIALITY:

The mark obtained in continuous assessment will have a weight of 40% in the overall grade, corresponding to the grade reached in the final exam with 60% of the overall score. In order to be able to take the final exam and to respect the continuous assessment mark, it will be essential for the student to pass the tests in which the continuous assessment is recorded. If this requirement is not met, the student must take the final test in the modality indicated at the end of this section. So that the grade of the continuous evaluation can be added to the grade of the final exam it will be necessary that the student reaches an approval in the latter.

BASIC RULES OF SEMIPRESENTIALITY. METHODOLOGY AND EVALUATION OF THE SEMIPRESENCIAL MODALITY.

1. Students enrolled in the blended modality commit themselves with the teaching team to follow a blended continuous assessment regime that implies face-to-face or virtual participation in the activities that the teacher designs for this modality.

2. The blended modality involves the continuous assessment of student learning.

There will be 6 tests * deliverables online through the FAITIC platform. All will have the same value and together they represent 40% of the final grade.

3. The students who do not participate in more than 80% of the activities "of continuous blended evaluation proposed by the teaching staff, will be evaluated according to the criteria established by the teaching team in each subject.

4. Blended students will have to make a final writing test that represents 60% of the final grade. This final test will be face-to-face, and will coincide with the date and time set in the Center's calendar for the official exam planned for the face-to-face students.

CLARIFICATION COMMON TO PRESENTIALITY AND SEMIPRESENTIALITY

Students who do not pass the continuous assessment either in face-to-face or blended modality, may take the final exam but must pass a specific part in which they will evaluate the skills worked on in the continuous assessment that have not passed.

The marks obtained in the continuous evaluation will be maintained in the second call of the academic year.

To pass the subject it is necessary to obtain an approved between the final exam and the continuous evaluation. The maximum score that can be obtained in the final exam will be 6, adding the score obtained in the said exam to the corresponding in the continuous assessment. In order for this sum to take place, it will be essential to obtain a minimum of 3 out of 6 in the final exam.

In all the exams the final exam may consist of practical tests (resolution of practical cases), and / or short answer tests. This type of short answer tests may consist, as appropriate, in the development of the explanation of a subject in detail. The one that will not be asked of the students is the total and merely theoretical development of the contents of a complete program topic.

The dates and times of the evaluation tests of the different calls are those specified in the calendar of evaluation tests approved by the Faculty Xunta and published on the Faculty Website

Sources of information

Basic Bibliography

Pablo Menéndez García y Antonio Ezquerro Huerva (Dirs.), **Lecciones Derecho Administrativo**, 2019, Civitas Thomson Reuters,

ESTEVE PARDO; J., **Lecciones de Derecho Administrativo**, última, Marcial Pons,

SÁNCHEZ MORÓN, M., **Derecho Administrativo. Parte general**, última, Tecnos,

GAMERO CASADO, E. y FERNÁNDEZ RAMOS, S., **Manual Básico de Derecho Administrativo**, última, Tecnos,

MARTÍN REBOLLO, L., **Leyes administrativas: Manual y normas básicas**, última, Thomson-Civitas,

Complementary Bibliography

GARCÍA DE ENTERRÍA, E. y FERNÁNDEZ RODRÍGUEZ, T.-R., **Curso de Derecho Administrativo**, última, Thomson-Civitas,

RECUERDA GIRELA, M.A., **Lecciones de Derecho administrativo con ejemplos**, 2018, Tecnos,

MARTÍN REBOLLO, L., **Leyes administrativas**, última, Aranzadi,

Recommendations

Subjects that continue the syllabus

Administrative law 2/P04G091V01305

Human resources management 1: Legal perspectives/P04G091V01402

Management of public sector recruitment/P04G091V01504

Subjects that are recommended to be taken simultaneously

Law: Constitutional law/P04G091V01102