



FACULDADE DE DIREITO
Universidade de Lisboa

Curricular unit sheet

Administrative Law II

Curricular unit

Administrative Law II

Responsible Academic staff and respective workload in the curricular unit (enter full name)

Francisco Paes Marques

Other academic staff and respective workloads in the curricular unit

(maximum 1000 characters)

Learning outcomes of the curricular unit

(maximum 1000 characters)

Syllabus

1. Nature and purpose of Administrative Law

- 1.1. Problems thought to call for administrative regulation
- 1.2. Rights, legality and abuse of power
- 1.3. Regulatory tools

2. Legal principles

- 4.1 Separation of powers
- 2.1. Impartiality and independence
- 2.2. Proportionality
- 2.3. Non discrimination
- 2.4. Legitimate expectations
- 2.5. Participation and transparency

3. Discretion



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- 3.1. Some reasons for rules
 - 3.2. Rules, principles and discretion
 - 3.3. Errors of law and control of fact finding
4. The Executive, Agencies and other public bodies
- 4.1. Evolution and legal framework
 - 4.2. The executive and the agencies
 - 4.3. Non departmental public bodies
 - 4.4. Privatisation and regulatory control
5. Litigation
- 5.1. Judicial processes and judicial remedies
 - 5.2. The judicialization of tribunals
 - 5.3. Standing of private persons
 - 5.4. Standing of public bodies

Demonstration of the syllabus coherence with the curricular unit's objectives.

(maximum 1000 characters)

Teaching methodologies (including evaluation)

(maximum 1000 characters)

Demonstration of the coherence between the teaching methodologies and the learning outcomes

(maximum 3000 characters)

Main Bibliography



1. Nature and purpose of Administrative Law

- BREYER, Stephen G./STEWART, Richard B./SUNSTEIN, Cass R./ VERMEULE, Adrian/HERZ, Michael E., *Administrative Law and Regulatory Police- Problems, Text and Cases*, 7th edition, Wolters Kluwer, Nova Iorque, 2011.
- STEWART, Richard B., “The Reformation of American Administrative Law”, *Harvard Law Review*, Vol. 88, 1975, p. 1669-1813.
- MASHAW, Jerry L., “Structuring a dense complexity: accountability and the project of administrative law”, *Issues in Legal Scholarship*, Vol. 1, 2005, p. 1-38.
- CRAIG, Paul, *Administrative Law*, 6th edition, Sweet and Maxwell, Londres, 2008.
- HARLOW, Carol/RAWLING, Richard, *Law and Administration*, 3rd edition, Cambridge University Press, 2009, p. 1-48;
- SILVA, Vasco Pereira da, “Purposes and functions of the administrative procedure: new problems and new solutions”, in *Lisbon Meeting on Administrative Procedure*, ICJP, 2011, available in http://www.icjp.pt/sites/default/files/media/e-book_international_isbn.pdf.

2. Legal Principles

- VERMEULE, *Law’s Abnegation*, Harvard University Press, 2016, p. 56-86.
- CRAIG, Paul, *Administrative Law*, 6th edition, Sweet and Maxwell, Londres, 2008.
- ENDICOTT, Timothy, *Administrative Law*, 2nd edition, Oxford University Press, 2011, p. 152-185; 267-306.
- LEYLAND, Peter/ANTHONY, Gordon, *Textbook on Administrative Law*, 7th edition, Oxford University Press, 2013, p. 315-372.

3. Discretion



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- HARLOW, Carol/RAWLING, Richard, *Law and Administration*, 3rd edition, Cambridge University Press, 2009, p. 190-232.
- ENDICOTT, Timothy, *Administrative Law*, 2nd edition, Oxford University Press, 2011, p. 307-349.
- BREYER, Stephen G./STEWART, Richard B./SUNSTEIN, Cass R./ VERMEULE, Adrian/HERZ, Michael E., *Administrative Law and Regulatory Police- Problems, Text and Cases*, 7th edition, Wolters Kluwer, Nova Iorque, 2011.
- CRAIG, Paul, *Administrative Law*, 6th edition, Sweet and Maxwell, Londres, 2008.

4. Executive, Agencies and other public bodies

- LEYLAND, Peter/ANTHONY, Gordon, *Textbook on Administrative Law*, 7th edition, Oxford University Press, 2013, p. 90-122.
- BREYER, Stephen G./STEWART, Richard B./SUNSTEIN, Cass R./ VERMEULE, Adrian/HERZ, Michael E., *Administrative Law and Regulatory Police- Problems, Text and Cases*, 7th edition, Wolters Kluwer, Nova Iorque, 2011.
- CRAIG, Paul, *Administrative Law*, 6th edition, Sweet and Maxwell, Londres, 2008.

5. Litigation

- ENDICOTT, Timothy, *Administrative Law*, 2nd edition, Oxford University Press, 2011, p. 355-443.
- LEYLAND, Peter/ANTHONY, Gordon, *Textbook on Administrative Law*, 7th edition, Oxford University Press, 2013, p. 90-122.
- SÉRVULO CORREIA, 'Administrative Due or Fair Process: Different Paths in the Evolutionary Formation of a Global Principle and of a Global Right?'. In *Values in Global Administrative Law*. Oxford/Portland, Hart Publishing, 2011, p. 313-361.



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NOTE: this map can be filled in as many times as necessary to describe the different curricular units.