



17

ADMINISTRATIVE LAW & PROCEDURE

"Bad officials are elected by good citizens who do not vote."
George Jean Nathan - American Journalist

KEY NOTES

Administrative law relates to the organisation, powers, duties, and functions of **public authorities** of all kinds engaged in administration as well as their relations with one another and with **citizens** and **nongovernmental organisations** (NGOs), legal methods of controlling **public administration** and the rights and liabilities of **officials**. Administrative procedure represents the form of **proceedings** in individual **administrative cases adjudicating** on public laws and legal responsibilities in the form of **administrative decisions**.

READING

Task 1. Read the text quickly and match the headings with the paragraphs given below.

THE MOST IMPORTANT REFORMS IN POLISH ADMINISTRATIVE LAW
THE STRUCTURE OF PUBLIC ADMINISTRATION IN POLAND
MAJOR BRANCHES OF POLISH ADMINISTRATIVE LAW

Task 2. Read the text again and form the nouns from the verbs which are in CAPITAL letters.

1.

Polish administrative law encompasses three major fields which consist of **statutes** ['stætʃu:ts] and other **acts** ['æktz] subordinated to the statutes:

- Organisational administrative law, concerning the 1) ORGANISE of administrative **authorities** [ə'θɔ:ritiz], institutions and agencies as well as rules regulating the 2) DISTRIBUTE of tasks and **competences** ['kɒmpɪtənsɪz], and is linked with civil service law;
- **Substantive**⁽¹⁾ ['sʌbstəntɪv] administrative law, concerning the competences of specific entities of 3) ADMINISTER involving the rights of citizens, as well rights and obligations of citizens;
- Formal administrative law, called administrative procedure, which is concerned with developing rules and procedures for administrative agencies or administrative courts (Izdebski, 2006).

2.

The following changes have shaped Polish public administration:

- the radical introduction of local government, at the most local levels (*gmina*); legislation passed in 1990;
- the 4) RECONSTRUCT of central government; legislation from 1996-1997;
- introduction of a civil service, which is expected to operate according to four basic principles: political neutrality, impartiality, professionalism, and **diligence**⁽²⁾ ['dɪlɪdʒəns];
- a new territorial 5) DIVIDE of the state and introduction of local government in newly created tiers: a middle tier – districts (*powiat*) and regional tiers – voivode – ships; legislation from 1998;
- harmonisation of Polish law with the law of the European Community;
- adopting legislation on access to public 6) INFORM (2001)
- introduction of single, directly elected, executives of lower levels of local government (2002);
- introduction of a two-instance system of administrative courts (in force since 2004).

(1) **materialny**

(2) **staranność, dbałość**

3.

It is governed by the Constitution of the Republic of Poland of April 2, 1997 and appropriate legislative acts. In the light of the above legal acts, public administration is carried out:

- for government administration by:
 - The Cabinet (government) presided over by the Chief of the Cabinet (Prime Minister),
 - central bodies of the administrative government,
- in the voivodeships primarily by:
 - the voivodes who are the 7) REPRESENT of the government in the area,
 - regional administrative government bodies: integrated – that is, acting under the 8) SUPERVISE of the *voivode*, and not integrated, that is, subordinated to an appropriate minister or a central office manager,
- within the local administration:
 - in the *gmina* – the Gmina Council as well as the voiv, town mayor or city mayor,
 - in the *powiat* – the Powiat Council and the Powiat Board led by the starost (chief powiat official),
 - in the voivodeship – the voivodeship local assembly and the voivodeship headed by a voivodeship marshal.

Local administration is independent compared with other public authorities. The 9) DEPEND of local administration is subject to court 10) PROTECT guaranteed by the Constitution. Individual levels of the local administration also function independently (the lowest **tier**⁽³⁾ ['tɪə] – *gmina*, the middle tier – *powiat* and the regional tier – *voivodeship*).

(3) **poziom**

SPEAKING & LISTENING *Names*

Task 1. Discuss the questions below in pairs:

- Are you happy with your name?
- Would you like to change it? Why (not)?
- Do you think that a name can affect your life?
- What kind of things should parents take into account when they choose names for their children?
- Should parents be allowed to give their children any names they want e.g. Apple, Konstytucja, Izaura etc.?

Task 2. What effect can the funny names presented below have on the people who possess them? What problems might they have?

Funny Names in English:

Al Kaholic
Barb B. Cue
Bill Board
Ben Anas
Chris Peacock
Di Rhea
Geri Attrick
Harry P. Ness
Ima Gay
Lu Zer
Sue Zuki
Sue E. Side

and in Polish:

Mariusz Cyps Albo Zyps
Dorota Niewiem
Monika Coś

http://www.funnynames.com/funny_names_for_people

Task 3. TRACK 17. Listen to the conversation and choose the correct answer: a or b.

1. Where is the man?
a) at the reception desk
b) in the Registrar's Office
2. He wants to change:
a) his first name
b) his surname
3. The man has a company which:
a) sells windows
b) produces windows
4. The chief clerk refused to change:
a) A Polish surname into an English one
b) An English surname into a Polish one

5. The man's great-grandmother married a man named:
a) Mickiewicz
b) Słowacki
6. The man is:
a) married
b) divorced
7. The man's children are:
a) three and eighteen years old
b) eight and thirteen years old
8. His son:
a) has to agree to change his name
b) doesn't have to agree

Task 4. Listen to the conversation again. Complete the list of the information required:

... you are required to provide your 1), such as: name (or names), 2), family name, domicile or residential 3) (or if you don't have one of those – a temporary residential address where you have been living over the last three months), the Polish 4) – the so called *PESEL number*. You also need to provide us with: your full 5), if you are married – the full marriage certificate, and if you are the parent of underage children – their full birth certificates. Furthermore, you are obliged to submit any other documents giving justifiable grounds for changing your surname...

LANGUAGE CHECK *Reported speech 1*

Here are some sentences or questions taken from the conversation above. Change them into reported speech:

- | | |
|---|-----------------------------|
| 1. I am the owner of a company manufacturing windows. | The applicant said that ... |
| 2. How can I help you? | The clerk asked ... |
| 3. Why do you actually want to change your surname? | The clerk asked ... |
| 4. I need to warn you that there's a slim chance. | The clerk said ... |
| 5. I'm continuously experiencing unpleasant situations. | The applicant said that ... |
| 6. Are you married? | The clerk asked ... |
| 7. You are the most helpful clerk I've ever met. | The applicant said that ... |
| 8. What if my wife refuses consent? | The applicant asked ... |

EXTRA PRACTICE CORNER

Task 1. Decide if the sentences are T (true) or false (F). Refer to the materials given below. Provide the appropriate article.

1. A citizen always has the right to receive information on public authorities.
2. The Prime Minister may work as a minister.
3. The Council of Ministers includes: the President, the Prime Minister and ministers.
4. The local authority (*gmina*) may own vehicles (e.g. cars) but not buildings.
5. Tasks not included in the Constitution or statutes, as the tasks of particular public authorities, are carried out by local government.

The Constitution of the Republic of Poland (1997)

Article 61

- (1) A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions. Such right shall also include receipt of information on the activities of self-governing economic or professional organs and other persons or organizational units relating to the field in which they perform the duties of public authorities and manage communal assets or property of the State Treasury.
- (2) The right to obtain information shall ensure access to documents and entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to make sound and visual recordings.
- (3) Limitations upon the rights referred to in Paragraphs (1) and (2), may be imposed by statute solely to protect freedoms and rights of other persons and economic subjects, public order, security or important economic interests of the State.
- (4) The procedure for the provision of information, referred to in Paragraphs (1) and (2) above shall be specified by statute, and regarding the Sejm and the Senate by their rules of procedure.

Article 147

- (1) The Council of Ministers shall be composed of the President of the Council of Ministers (Prime Minister) and ministers.
- (2) Vice-presidents of the Council of Ministers (Deputy Prime Ministers) may be also be appointed within the Council of Ministers.
- (3) The Prime Minister and Deputy Prime Ministers may also discharge the functions of a minister.
- (4) The presidents of committees specified in statutes may also be appointed to membership of the Council of Ministers.

Article 163

Local self-government shall perform public tasks not reserved by the Constitution or statutes for the organs of other public authorities.

Article 165

- (1) Units of local self-government shall possess legal personality. They shall have rights of ownership and other property rights.
- (2) The self-governing nature of units of local self-government shall be protected by the courts.

Task 2. Which section is it? Match English sentences with their Polish equivalents. Not all sections are needed.

The Constitution of the Republic of Poland (1997)

Article 146

- (1) The Council of Ministers shall conduct the internal affairs and foreign policy of the Republic of Poland.
- (2) The Council of Ministers shall conduct the affairs of State not reserved for other State organs or local self-government.
- (3) The Council of Ministers shall manage the government administration.
- (4) To the extent and in accordance with the principles specified by the Constitution and statutes, the Council of Ministers, in particular, shall:
 - 1) ensure the implementation of statutes;
 - 2) issue regulations;
 - 3) coordinate and supervise the work of organs of State administration;
 - 4) protect the interests of the State Treasury;
 - 5) adopt a draft State Budget;
 - 6) supervise the implementation of the State Budget and pass a resolution on the closing of the State's accounts and report on the implementation of the Budget;
 - 7) ensure the internal security of the State and public order;
 - 8) ensure the external security of the State;
 - 9) exercise general control in the field of relations with other States and international organizations;
 - 10) conclude international agreements requiring ratification as well as accept and renounce other international agreements;
 - 11) exercise general control in the field of national defence and annually specify the number of citizens who are required to perform active military service;
 - 12) determine the organization and the manner of its own work.

- a) uchwała projekt budżetu państwa
- b) wydaje rozporządzenia
- c) zapewnia bezpieczeństwo zewnętrzne państwa
- d) określa organizację i tryb swojej pracy
- e) chroni interesy Skarbu Państwa
- f) kieruje wykonaniem budżetu państwa oraz uchwała zamknięcie rachunków państwowych i sprawozdanie z wykonania budżetu
- g) sprawuje ogólne kierownictwo w dziedzinie stosunków z innymi państwami i organizacjami międzynarodowymi
- h) sprawuje ogólne kierownictwo w dziedzinie obronności kraju oraz określa corocznie liczbę obywateli powoływanych do czynnej służby wojskowej
- i) zapewnia wykonanie ustaw
- j) koordynuje i kontroluje prace organów administracji rządowej

Task 3. Read the articles below and choose the correct meaning of the words in bold:

- | | | | |
|-----------------------|-----------------------------------|--|-------------------------------------|
| 1. authority | a) an expert | b) evidence or testimony | c) e.g. the government |
| 2. observance | a) respecting | b) watching | c) celebrating |
| 3. exercise | a) perform | b) practise | c) do sports |
| 4. personality | a) character | b) identity | c) a well-known person |
| 5. court | a) an area where games are played | b) a place where trials take place and legal cases are decided | c) the place of residence of a king |

The Constitution of the Republic of Poland (1997)

Article 126

- (1) The President of the Republic of Poland shall be the supreme representative of the Republic of Poland and the guarantor of the continuity of State **authority**.
- (2) The President of the Republic shall ensure **observance** of the Constitution, safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory.
- (3) The President shall **exercise** his duties within the scope of and in accordance with the principles specified in the Constitution and statutes.

Article 165

- (1) Units of local self-government shall possess legal **personality**. They shall have rights of ownership and other property rights.
- (2) The self-governing nature of units of local self-government shall be protected by the **courts**.

SPEAKING Discussion

Work in groups. Discuss the issues below. A different person should lead the discussion of each issue.

- Art 57, of the Constitution of the Republic of Poland states: *The freedom of peaceful assembly and participation in such assemblies shall be ensured for everyone. Limitations upon such freedoms may be imposed by statute*. Is the ban on the Gay Pride parade an infringement of this right, or an expression of respect for the rights of those who do not recognise homosexuality?
- Public authorities can compulsorily purchase property from owners who live in the path of a future motorway. Discuss the advantages and disadvantages of this situation.
- Do you agree that the introduction of different bans (like a smoking ban or the ban on selling **poppers**⁽¹⁾ an authoritarian limitation of freedom rather than the protection of individuals?
- Corruption is difficult to expose and combat. Do you agree?

(1) **dopalacze**

READING Introduction to administrative procedure

Read the text and put the topics in the order that they appear in the text below.

- Administrative authorities
- Protection of individuals in proceedings
- Settlement of complaints and applications
- Issuing certificates
- Administrative case

The basic scope of administrative proceedings are included in the Code of Administrative Procedure (CAP). Alongside general **procedure** [prə'si:dʒə], the legislator has also regulated specific proceedings (e.g. in the field of social security) or separate proceedings (e.g. fine proceedings for minor offences).

The most important functions of administrative procedure are:

- the executive function of substantive administrative law,
- the protection of individual and societal interests,
- organisational function, extending the activities of bodies, democratisation and educational function.

Among the functions of administrative procedure law are functions within the legal order, which include a function **ancillary**⁽¹⁾ [æn'sɪləri] to substantive and constitutional law, as well as functions that benefit society. The most important social benefit, according to the representatives of the doctrine, is the protective function, which may also be called a *guarantee function* because of the system of guarantees providing protection for individual and societal interests as well as the legal order. The protection of individual interests is formulated in the procedure on two levels:

- the protection of an individual in proceedings, as well as
- the duty to protect an individual's interest in a particular administrative case by the body conducting the proceedings.

The protection of an individual's rights in the proceedings is already guaranteed by the general principles of administrative procedure, which **highlight**⁽²⁾ ['haɪlaɪt] the parties' right to information and active participation in the proceedings. This is complemented by further regulations in the CAP, granting the parties, *inter alia*, the right to have **access**⁽³⁾ ['æksəs] to the files and the right to appeal against a decision by the agency dealing with the case.

- pomocniczy**
- podkreślać**
- dostęp**

The protection of an individual is comprehensively regulated by Article 7 of the CAP, according to which the administrative body has, on the one hand, a duty to take into consideration the interest of the party *ex officio*, called here “the proper interest of citizens”, and on the other hand, it is obliged to balance this against societal interest. The term “genuine interest of citizens” has not been **statutorily**⁽⁴⁾ [*ˈstætjətərili*] defined, which results in its content being determined by the **adjudicating**⁽⁵⁾ [*əˈdʒu:dɪkeɪtɪŋ*] body, which, while considering and deciding on an **administrative case** [*ədˈmɪnɪstrətɪv ˈkeɪs*] has to bear in mind that it is about “proper interests”.

The subject matter of administrative proceedings is an administrative case. The legislator uses the term “case” in the CAP with multiple meanings without definition. An administrative case in administrative procedure is understood as a real life situation, in which individual interests and societal interest are to be expressed on the basis of administrative law, in the form of an administrative decision after **due**⁽⁶⁾ [*ˈdjuː*] proceedings.

As well as general administrative procedure, the CAP also regulates proceedings when issuing **certificates**⁽⁷⁾ [*səˈtɪfɪkəts*], which are instituted in order to confirm the existence or non-existence of the facts of the case or a legal status. The settling of the case occurs here either through issuing a certificate, or through a refusal to issue a certificate, or a refusal to issue a certificate with the requested content. A certificate is characterised by a lack of direct legal impact on the subject’s rights and responsibilities, constituting only an official confirmation of the existence – on the day of issue – of the facts of the case or legal status. Anyone who has a legal interest in obtaining one may request the issue of a certificate. A body of public administration is obliged to issue a certificate for the purpose of confirmation of the facts or legal status resulting from records, registers and other data kept by the body.

The subject matter of **complaint and application** [*kəmˈpleɪnt ənd ˌæplɪˈkeɪʃn*] proceedings may involve the protection of actual and legal interests, both individual and social, as well as control over the proper functioning of Public Administration. The **settlement**⁽⁸⁾ [*ˈsetlmənt*] of a complaint or an application, as in the certificate procedure, does not directly **invoke**⁽⁹⁾ [*ɪnˈvəʊk*] any legal effects in the complainant’s (applicant’s) rights or responsibilities. Accepting the complaint (application) justifies the body acting in its legal capacity i.e. the mode is set for the settlement of a case which is subject to complaint or for an application.

A body of public administration is any entity competent to settle individual cases through an **administrative decision** [*ədˈmɪnɪstrətɪv dɪˈsɪʒən*], irrespective of whether it regards itself as such and irrespective of whether legal regulations call it such. The decisive **premises**⁽¹⁰⁾ [*ˈpremɪsɪz*] are: the type of case and the form of its settlement (administrative decision).

- (4) ustawowo
- (5) rozstrzygać
- (6) należyty, właściwy
- (7) tu: zaświadczenie
- (8) tu: rozpatrywanie
- (9) wywoływać
- (10) przesłanka

SPEAKING & LANGUAGE CHECK

Reported speech 2

Task 1. Read the warnings below. Which is the most ridiculous and why?

1. Wait for Green
Traffic Light, Brick, NJ
2. Slow traffic keep left.
Location in South Africa
3. Children Drive Slowly
Warning throughout the UK
4. NO PARKING: This car park is for the use of **patrons**⁽¹⁾ only.
Entrance to a Cemetery in Blyth, Northumberland, England
5. Structures built by **SONCIN**⁽²⁾. Drive carefully.
Unknown Bridge, Toronto, Canada
6. If tunnel is dark, remove sunglasses.
Smoky Mountain National Park, Tennessee

- (1) regular customer
- (2) the name of a company

<http://www.dumbwarnings.com/>

Task 2. Change the notices into Reported Speech form (imperatives).

Start with *They asked/ warned/ordered/suggested ...*



READING *An administrative decision*

Task 1. Put the following verbs into the correct gaps in the passage below.

appeal	concludes	confirms	contain	
decides (2x)	enacts	exercise	issue	making

An administrative decision is an individual administrative act directed outside the issuing body, which 1) rights or responsibilities of a subject nominally defined in an authoritative and unilateral way. When 2) a decision, the administrative body 3) a law, which otherwise could not be the basis for the individual to 4) his/her due rights or to perform responsibilities.

The statutory legislator assumes the principle of settling administrative cases through a decision. **Exemptions**⁽¹⁾ [ɪg'zempʃənz] from this principle are **envisaged**⁽²⁾ [ɪn'vɪzɪdʒd] in the form of an option for terminating the case through an administrative compromise before the body which, in procedural form, 5) the content of the compromise between the parties.

According to Article 104 (2) of the Code of Administrative Procedure, the body settling the case through a decision:

- a) 6) the whole case as per its nature,
- b) decides the nature of the case in part (a partial decision),
- c) 7) the proceeding in a particular instance in another way.

Statutory requirements for a correctly-taken administrative decision are determined in Art. 107 (1) of the Code of Administrative Procedure. According to this rule, the decision should 8) the stamp of the public administration body, issue date, **statement**⁽³⁾ ['steɪtmənt] of legal grounds, decision, actual and legal **justification**⁽⁴⁾ [dʒʌstɪfɪ'keɪʃən], instructions (explanations) whether and how one may 9), a signature along with the full name and the official position of the person entitled to 10) the decision. If the decision may be subject to legal action in a public court or to complaint in an administrative court, the decision should include an appropriate instruction.

- (1) **zwolnienie**
- (2) **przewidzieć**
- (3) **oświadczenie**
- (4) **uzasadnienie**



PROBLEM! *Family dilemma*

Background

The deputy Wójt of Łapówka Wielka granted a licence for selling beer to Jan Kotek, a respectable businessman, and privately the Wójt's son-in-law. Assess the proceedings in the administrative case which resulted in the issue of this decision.

Tasks

1. Work in groups. Group A, turn to page 314, read the text and prepare your arguments for discussion. Group B, turn to page 320, read the text and prepare your arguments for discussion.
2. The groups then come together for a meeting. Exchange (students: A and B) arguments in favour of different positions.
3. Then the whole class discusses the problem, in an attempt to reach the best solution.

EXTRA PRACTICE CORNER

Task 1. Read the extract from the Australian Tribunal's judgment¹. What has been decided?

DIVISION:	Community Services Division
PARTIES:	
APPLICANT	Adam Namiętny
RESPONDENT	NSW Commission for Children and Young People
FILE NUMBER:	104015
HEARING DATES:	On the papers
SUBMISSIONS CLOSED:	30 September 2010
DATE OF DECISION:	29 November 2010
BEFORE:	Higgins S - Deputy President
LEGISLATION CITED :	Administrative Decisions Tribunal Act 1997 Commission for Children and Young People Act 1998 Crimes Act 1900 (NSW) Criminal Code Act 1899 (QLD)
REPRESENTATION:	
APPLICANT	In Person
RESPONDENT	F. Coyne, barrister
ORDERS:	The application is dismissed as the applicant has no standing to bring the application.
PUBLICATION RESTRICTION:	Section 126 Administrative Decisions Tribunal Act 1997

¹ based on the decision of Administrative Decisions Tribunal retrieved from http://www.lawlink.nsw.gov.au/lawlink/caselaw/ll_caselaw.nsf/pages/cl_adt on 13.03.2011

REASONS FOR DECISION

1. Adam Namiętny has made a **request** under sub-section 331 (1) of the Commission for Children and Young People Act 1998 (the Act) **looking for** an order declaring that Division 2 of Part 7 of that Act does not apply to him with regard to an offence (unlawful carnal knowledge), of which he was convicted 32 years ago when he was 19 years of age.
2. Adam Namiętny does not **question** that he was **found guilty** of an unlawful sexual offence. He explained to the Tribunal that last year, that he had applied for a permanent position with his employer of 12 years. He was unsuccessful in his application, but was informed that his security check for the position had **shown** his 1978 conviction. Adam Namiętny said he had forgotten about this conviction as it had **happened** such a long time ago and he thought it had been spent. Adam Namiętny explained that earlier this year his employer had advised him and other administrative staff that they needed to re-apply for their positions. Adam Namiętny said he had **sent** his application for his **present** position and as a consequence of what he had been advised previously, he lodged his application with the Tribunal.
3. At the initial hearing of the stay application, the Commissioner for Children and Young People (the Commissioner) questioned Adam Namiętny's grounds for making this application and hence his substantive application. After having made further enquiries about the offence, at the next directions hearing, the Commissioner pressed the issue as to Adam Namiętny's grounds for bringing this application and the stay application. By **agreement**, the parties agreed that the issue of Adam Namiętny's grounds for making his substantive application be determined as a preliminary issue and that it be determined on the papers **according to** section 76 of the Administrative Decisions Tribunal Act 1997.
4. For the reasons set out below I find that Adam Namiętny has no grounds for bringing this application...

Task 2. Read the text again and say why the following names, dates and numbers are important:

- a) F. Coyne
- b) 30 September 2010
- c) S. Higgins
- d) Adam Namiętny
- e) 29 November 2010
- f) 104015

Task 3. Read the REASONS FOR THE DECISION again and replace informal words which are in bold with more formal equivalents given below. Change verb forms if necessary.

- a) application
- b) consent
- c) convict
- d) current
- e) dispute
- f) lodge
- g) occur
- h) pursuant to
- i) reveal
- j) seek

SPEAKING *Administrative cases*

Read the cases below and decide whether they are administrative cases.

- depriving a student of his/her entitlement to live in a hall of residence,
- closing down a state school,
- dispute with regard to the price and the payment method when buying property from a local council,
- placing 'no entry for vehicular traffic' on a public road,
- refusal to give a child the name Isaura,

Tasks

- Work in groups. Group A, turn to page 315, read the arguments and prepare for discussion. Group B, turn to page 320, read the arguments and prepare for discussion.
- Then discuss the problem in pairs (student A and student B) and decide whether the cases presented above, refer to administrative law or not.
- When you have finished your discussion go to page 324 to check your answers.



CHECK YOUR PROGRESS

I. Put each of the following words into the correct place in the passage below.

authority control duty force judicial
justice law lawful obliged tribunals

Principles of Administrative Law

The most important principles of administrative law are as follows:

A) The principle of legality is expressed in Article 7 of the Constitution: "The bodies of public 1) shall function on the basis of, and within the limits of the 2)". Administrative bodies, as part of the executive system, are 3) to act on the basis of, and within the limits of, the law understood as an Act (statutes). This means that each action of the public administration body should be based on the statutory legal norm which involves the existence of statutory authorisation:

- to take action,
- to take action in a particular form,
- to take action under particular conditions

B) The principle of equality means the 4) imposed upon the bodies of public administration, that the law made by the administration and actions taken by the administration do not contain provisions in favour of, or discriminating against, certain groups of citizens.

C) The principle *lex retro non agit* means that one should not apply legal norms retrospectively to actions taken before these came into 5) If doubt exists, one should assume that every regulation normalises the future and not the past. Exemptions to this rule are acceptable if they are required by social justice or through rectification of subjective law in favour of citizens, but they always have to be included in legal regulations.

D) The principle of 6) control of public administration. It is the main guarantor of respecting individual rights in administrative action. It concurs with the notion of the right to a just trial. The right to a just trial includes guaranteed access to 7), the body providing legal protection possessing all qualities of a court of justice, securing proper proceedings (fair, reliable, 8), honest), and fast and effective implementation of judicial decisions. The judicial control of administration is carried out by administrative courts, common courts and 9)

E) The principle of administrative openness means a legal duty by public administration to act openly, providing an opportunity for social 10)

II. PREPOSITIONS. Complete the gaps with an appropriate preposition:

against before by (2x) for on to (4x)

The Constitution of the Republic of Poland (1997)

Article 32

(1) All persons shall be equal 1) the law. All persons shall have the right 2) equal treatment 3) public authorities.

(2) No one shall be discriminated 4) in political, social or economic life 5) any reason whatsoever.

Article 149

(1) Ministers shall direct a particular branch of government administration or perform tasks allocated 6) them by the Prime Minister. The scope of activity of a minister directing a branch of government administration shall be specified 7) statute.

(2) A minister directing a branch of government administration shall issue regulations. The Council of Ministers, 8) the request of the Prime Minister, may repeal a regulation or order of a minister.

(3) The provisions applicable 9) a minister directing a branch of government administration shall apply, as appropriate, to presidents of the committees referred 10) in Article 147 (4).

III. Order the letters to form PEOPLE IN ADMINISTRATION for the definitions:

- a) the chief executive or head of state of a republic, esp. of the US
- b) a person appointed to head a government department
- c) a person who holds a position of authority
- d) the head of government of a city, town, or municipal corporation
- e) the head of the cabinet

deei prst
eiimnrts
aciifflo
aomry
eimpr eiimnrts

IV. Match the two columns to form the collocations:

- | | |
|------------|-------------------|
| 1. perform | a) information |
| 2. ensure | b) observance |
| 3. manage | c) regulations |
| 4. obtain | d) the government |
| 5. issue | e) duties |

V. Explain the difference:

- mayor / voivode
- local government / government
- Prime Minister / Deputy Prime Minister
- civil servant / servant

VI. Form nouns from the verbs given below.

Verb	Noun
administrate	
deprive	
discriminate	
elect	
govern	
implement	
integrate	
limit	
proceed	
regulate	

PREPOSITION AND COLLOCATION BANK

- shall **ensure observance**
- exercise **duties**
- conduct** affairs and foreign policy
- manage** the government administration
- conclude agreements**
- discharge **functions**
- obtain **information**

VOCABULARY BANK

- adjudicate** [ə'dʒu:dikeɪt]
administration [əd,mɪnɪ'streɪʃən]
administrative case [əd'mɪnɪstrətɪv 'keɪs]
administrative decision [əd'mɪnɪstrətɪv dɪ'sɪʒən]
administrative procedure [əd'mɪnɪstrətɪv prə'si:dʒə]
certificate [sə'tɪfɪkət]
citizen ['sɪtɪzən]
civil servant ['sɪvɪl 'sɜ:vənt]
complaint [kəm'pleɪnt]
deputy ['depjəti]
government ['gʌvnmənt]
local government ['ləʊkəl 'gʌvnmənt]
mayor ['meə]
official [ə'fɪʃəl]
president ['prezɪdənt]
prime minister ['praɪm 'mɪnɪstə]
public administration ['pʌblɪk əd,mɪnɪ'streɪʃən]
statute ['stætʃu:t]
voivode ['vɔɪvəd]