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BRITISH ADMINISTRATIVE LAW

Administrative law of the United Kingdom of Great Britain and Northern Ireland is a rather interesting subject to investigate. It has many differences with the same branch of Ukrainian law. The mentioned issue highlights the topicality of British administrative law research to increase legal knowledge with the aim to use them at practical work that is rather real in conditions of the future European integration.

We have defined administrative law as the law governing the powers and duties of administrative authorities [1]. Administrative Law generally refers to as the law relating to the control of government power [2].

Administrative law, the legal framework within which public administration is carried out. It derives from the need to create and develop a system of public administration under law, a concept that may be compared with the much older notion of justice under law. Since administration involves the exercise of power by the executive arm of government, administrative law is of constitutional and political, as well as juridical, importance. There is no universally accepted definition of administrative law, but rationally it may be held to cover the organization, powers, duties, and functions of public authorities of all kinds engaged in administration; their relations with one another and with citizens and nongovernmental bodies; legal methods of controlling public administration; and the rights and liabilities of officials [3].

Some argue that there is no formal and discrete system of administrative law in the UK as there is, for example, in France. There is no Tribunal Administratif specializing in the review of administrative decisions. Nor is there a separate and coherent body of case law like that of the Conseil d'État, to guide lawyers and students in approaching administrative questions [1].

Some French and American jurists regard administrative law as including parts of constitutional law. The law relating to public health, education, housing, and other public services could logically be regarded as part of the corpus of administrative law; but because of its sheer bulk it is usually considered ancillary [3].

The reasons for this are to be found, once again, in history. The prestige of the ordinary common law courts in their crusade against prerogative power led citizens to entrust them with their rights; whilst a distrust of administrators appropriating judicial functions was reinforced by the doctrines of the influential constitutional lawyer Albert Venn Dicey, part of whose definition of

the rule of law was that administrators should be subject to the same laws and procedures as the ordinary citizen [1].

Except the Parliament, all other public authorities are subordinated to the law, such as the Crown and Ministers, local authorities and other public bodies. Such subordinate authorities are subject to legal limitations since every kind of power is open to the chances of abuse. Therefore, the primary purpose of Administrative Law is to keep the powers of the government within its legal limits in order to protect the citizens against their abuse. The British system of administrative law carries some salient features which make it sharply different from the administrative law of other European countries. In spite of a different line of evolution, it is the same recognizable system of administrative law in USA and Scotland [2].

Administrative law is to a large extent complemented by constitutional law, and the line between them is hard to draw. The organization of a national legislature, the structure of the courts, the characteristics of a cabinet, and the role of the head of state are generally regarded as matters of constitutional law, whereas the substantive and procedural provisions relating to central and local governments and judicial review of administration are reckoned matters of administrative law. But some matters, such as the responsibility of ministers, cannot be exclusively assigned to either administrative or constitutional law [3].

Under the British system of administrative law, the cases involving the validity of government action are decided by ordinary courts and not special administrative courts. In the Anglo-American System, administrative law is blended with ordinary private law at many points. In spite of the emergence of European Union Law, the impact of British Administrative Law is now showing its mark. In England, Administrative Law has a long history but the subject in its modern form emerged only in the second half of the seventeenth century. After the destruction of the Privy Council's executive power by the Revolution of 1688 when the old machinery of central political control had been broken, the Court of King's Bench stepped in and since then the administrative machineries began to be controlled by the courts of law. Writs of Mandamus, Certiriorari and Prohibition as well as ordinary remedy of damages were granted by the King's Bench to the aggrieved people against administrative acts. The practical reforms to sort out the discontent with administrative procedures came only after the Report of the Committee on Administrative Tribunals and Enquiries (the Franks Committee) in 1958 when the Tribunals and Inquiries Act, 1958 was enacted [2].

Summarizing the mentioned above, we have to admit that administrative law exists in Great Britain as a separate branch of law even if with its own special attributes.

Literature

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ПРАВОВІ ЗАСАДИ СПІВРОБІТНИЦТВА УКРАЇНИ ТА ЄВРОПЕЙСЬКОГО СОЮЗУ ЩОДО ЛІБЕРАЛІЗАЦІЇ ВІЗОВОГО РЕЖИМУ ДЛЯ УКРАЇНСЬКИХ ГРОМАДЯН

Запровадження Європейським Союзом (далі по тексту – ЄС) безвізового режиму для України, разом з імплементацією Угоди про асоціацію і створенням зони вільної торгівлі, є ключовим завданням у контексті інтеграції нашої держави до ЄС. Актуальність дослідження лібеpизації візового режиму між Україною та співтовариством пов’язана з практичною необхідністю його здійснення на тлі недостатньої уваги науковців до цього питання.

Дієвим та водночас ефективним правовим інструментом запровадження безвізового режиму для громадян України є Угода про асоціацію між Україною, з одного боку, та Європейським Союзом і його державами членами, з другого боку [2], підписана 27 червня 2014 року й ратифікована Верховною Радою України та Європейським парламентом 16 вересня 2014 року. План дій щодо лібералізації візового режиму (далі по тексту – ПДЛВР) ухвалено 22 листопада 2010 року на саміті Україна–ЄС. Документ містить критерії двох рівнів, виконання яких з боку нашої держави має сприяти запровадженню безвізового режиму з ЄС. Перша фаза – законодавча, що передбачила приведення законодавства України у відповідність до стандартів Європейського Союзу у визначених Планом дій сферах. Друга фаза – імплементаційна, яка спрямована на забезпечення практичного виконання Україною оновленого законодавства на національному рівні. Діалог щодо лібералізації Євросоюзом візового режиму для громадян України започатковано під час саміту Україна–ЄС у Парижі у вересні 2008 року. Протягом 2008-2009 рр. між сторонами тривав перший етап безвізового діалогу, що мав форму робочих груп та