

Procedure (B001315)

Due to Covid 19, the education and assessment methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

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|---|--|--------------------|----------------------------|-------|
| Course size | <i>(nominal values; actual values may depend on programme)</i> | | | |
| Credits 7.0 | Study time 210 h | Contact hrs | 60.0h | |
| Course offerings and teaching methods in academic year 2021-2022 | | | | |
| A (semester 2) | Dutch | Gent | guided self-study | 0.0h |
| | | | lecture | 50.0h |
| | | | online discussion group | 0.0h |
| | | | seminar: coached exercises | 10.0h |
| | | | online lecture | 0.0h |

Lecturers in academic year 2021-2022

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|---------------|------|--------------------|
| Taelman, Piet | RE21 | lecturer-in-charge |
| Lust, Sabien | RE21 | co-lecturer |

Offered in the following programmes in 2021-2022

| | crdts | offering |
|---|--------------|-----------------|
| Bachelor of Laws in Laws | 7 | A |
| Linking Course Master of Laws in Laws | 7 | A |
| Preparatory Course Master of Laws in Laws | 7 | A |

Teaching languages

Dutch

Keywords

Civil Procedural Law, Structure of the Courts, Judicial authorities, Actors (Judges, Lawyers, Bailiffs), Legal proceedings, Legal Aid, Legal remedies, Review, Summary Proceedings.
Public Procedural Law, Legal protection, prevention of conflicts, protection a posteriori, Administrative Courts, Council of State (institution, competence, procedure, enforcement)

Position of the course

Part I (prof. Taelman): The aim is that students obtain a basic knowledge and insight in the regulations on Belgian civil procedural law, including the basic principles, legal sources, law finding methods and methodology. The objective is also to get them to reflect critically on the subject, more specifically on the task and responsibility of the judges, the various judicial authorities, the lawyers and also the current issues of legal protection offered by adjective law.
Part II (prof. Lust): The aim is that students obtain a basic knowledge and insight in the regulations on Belgian public procedural law, including the basic principles, legal sources, law finding methods and methodology. The objective is also to get them to reflect critically on the subject. Subject matters of this part of the course or the various techniques on legal protection of the citizens against public authority action, with particular attention to the administrative courts, and more specifically the Council of State.

Contents

Part I (prof. Taelman): Study and commentaries on the basic principles of an appropriate dispute settlement, judicial organization, judicial authorities, jurisdiction, judicial procedure, legal aid, and an overview of the methods for alternative dispute settlement.
Part II (prof. Lust): study of the general structure of the legal protection of citizen against public authority action; prevention of disputes; the institution of the ombudsman; solving conflicts through administrative procedure. The most important subject matter of this part of the course is the study of the administrative courts, especially the Council of State (procedure, judicial powers, implications of a judgement of annulment).

Initial competences

Besides the admission to follow the bachelor degree, the student must have taken a preliminary training in basic knowledge of Belgian private law, the Belgian judicial organization and administrative law.

Final competences

- 1 Knowledge and insight: a fair basic knowledge and insight in the regulations of (Belgian) procedural civil and public law ; master the procedural law research methods.
- 2 An ability to make oral and written reports on the subject and the ability to solve simple cases and in more complicated cases.
- 3 An ability to distil the relevant questions and to formulate the beginning of a solution.
- 4 An ability to reflect critically on civil and public procedural law and its regulations.
- 5 Students have to be aware that procedural regulations may be subject to change (often in function of societal developments).

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

Access to this course unit via an exam contract is unrestricted

Teaching methods

Online discussion group, Online lecture, Guided self-study, Lecture, Seminar: coached exercises

Learning materials and price

References

- M. Storme en P. Taelman, Tweetalige uitgave van het Gerechtelijk Wetboek en bijzondere wetten, met rechtspraakannotatie, Uitgave E. Story-Scientia
- P. Taelman en P. Van Orshoven (eds.), *De wet van 26 april 2007 tot wijziging van het Gerechtelijk Wetboek met het oog op het bestrijden van de gerechtelijke achterstand doorgelicht*, Brugge, die Keure 2007 (tweede druk).
- B. Allemeersch en P. Taelman (eds.), *Hervorming van de burgerlijke rechtspleging door Potpourri I*, Brugge, die Keure, 2016, XI + 160 p.
- M. Van Damme (ed.), *De hervorming van de Raad van State*, Brugge, die Keure, 2014, 318 p.
- S. Lust, P. Schollen en S. Verbist (eds.), *Actualia rechtsbescherming tegen de overheid*, Antwerpen, Intersentia, 2014, 163 p.
- J. Jaumotte, J. Salmon en E. Thibaut, *Le conseil d'Etat de Belgique*, Brussel, Bruylant, 2012, 2458 p.
- F. Viseur en J. Philippart (ed.), *La justice administrative*, Brussel, Larcier, 2015, 833 p.
- A.L. Durviaux en M. Pâques, *Droit administratif et contentieux*, Brussel, Larcier, 2016, 399 p.

Course content-related study coaching

Parts I and II: The academic staff (ZAP and AAP) can be contacted via the online discussion tool for additional information or clarifications concerning the (online) lectures, the (online) plenary exercises, the seminars and the guided self-study. Questions that serve as a model for the exam will be available and are discussed and solved during the (online) plenary exercises and the seminars.

Assessment moments

end-of-term assessment

Examination methods in case of periodic assessment during the first examination period

Written examination

Examination methods in case of periodic assessment during the second examination period

Written examination

Examination methods in case of permanent assessment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

Written exam with multiple choice questions (max. 50%), theoretical questions, practical questions and a verification of the student's insights (his/her ability to reflect on, to give

interpretations of and to analyse more complex cases).

Calculation of the examination mark

Facilities for Working Students

Lessons will be recorded.