

Lesson 3 – Public Administration – State Administration

I. Separation of Powers

A. Brainstorming

The state is divided into branches, each with separate and independent powers and areas of responsibility so that the powers of one branch are not in conflict with the powers associated with the other branches. What are the branches?

B. Group discussion and presentation

In three groups prepare what you know about each of the branches. Present to the other groups.

Group 1 – Executive power

Group 2 – Legislative power

Group 3 – Judicial power

C. Reading

Fill in the gaps with a correct word.

<i>term</i>	<i>elections</i>	<i>oath</i>	<i>citizen</i>	<i>forces</i>	<i>head</i>	<i>body</i>
<i>is executed</i>	<i>is divided</i>	<i>was established</i>	<i>is made up</i>	<i>are elected</i>		
<i>is entitled</i>	<i>are appointed</i>	<i>includes</i>	<i>considers</i>	<i>reverse</i>		

Power 1. _____ into legislative, executive and judicial.

Legislative power

The Parliament of the Czech Republic 2. _____ of two chambers. Every 3. _____ who is at least 18 years old is entitled to vote for candidates to the House of Parliament (Chamber of Deputies) and the Senate.

The House of Parliament is made up of 200 members, who 4. _____ once every four years. Every citizen who 5. _____ to vote and is at least 21 years old, can be elected to the House of Parliament.

The Senate 6. _____ in 1996. 81 senators are elected with a six-year 7. _____ of office. The 8. _____ take place every two years.

Executive power

The government is the supreme 9. _____ of executive power. The president of the Republic is the 10. _____ of state and the supreme commander of the armed 11. _____. The president takes an 12. _____ of office (_____ of allegiance) at a joint meeting of both chambers of the Parliament.

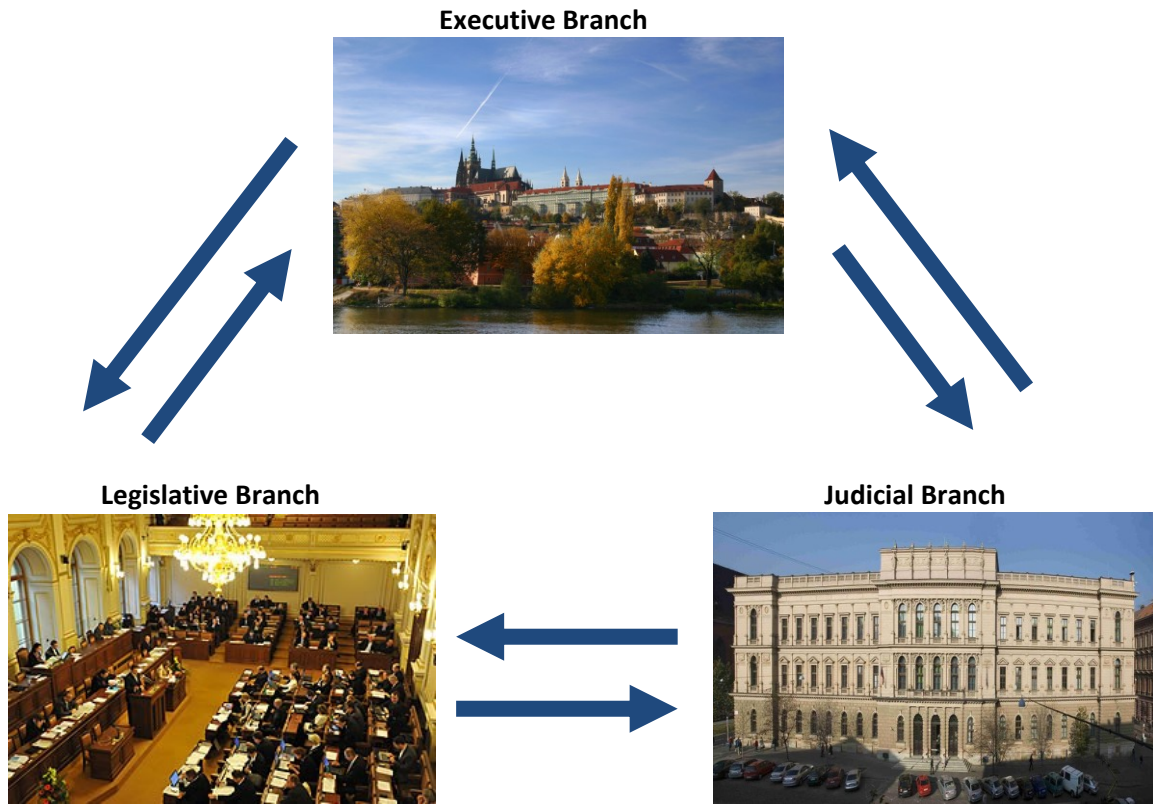
Judicial power

Judicial power 13. _____ in the name of the republic by independent courts of law. The system of courts 14. _____ the Supreme Court, the Supreme Administrative Court, and high, regional and district courts. The Supreme Court 15. _____ cases on appeal and may 16. _____ the ruling of a lower court.

The Constitutional Court is made up of 15 judges, who 17. _____ for a term of 10 years. Decisions of the Constitutional Court are enforceable as soon as they are announced. A Constitutional Court judge can only be arrested when caught committing a crime or immediately afterward.

D. Speaking

What are the powers of the President, the Parliament and the Constitutional Court? Describe the chart using the words below the chart.



Verbs:

Decide	Approve/Pass	Declare	Appoint	Dismiss	Propose
Dissolve	Pardon	Accept	Veto	Sign	Override

Nouns:

Laws/Acts	State budget	Punishments	Resignation	Lack of confidence
Bills	Members of	Presidential veto		

II. Administrative Law

A. Definition

Can you define terms administrative law, administrative proceeding, administrative agencies, and administrative rules?

B. Reading and translation

Read the article and translate the underlined expressions into English or into Czech.

<p>Administrative law is a branch of law that contains the rules and legal principles governing the administration and regulation of federal and state government agencies. It is <u>1.považováno za odvětví veřejného práva.</u> Decision making in the daily activities of various federal and state agencies is governed by administrative rules.</p>	<p>1. _____</p>
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Administrative rules are agency statements of general applicability that implement, apply, interpret, or prescribe law or policy. A violation of the rules and regulations may be considered **2.a criminal violation**. An administrative rule does not **3.prescribe criminal penalties**. However, if it has the force of law, it may be incorporated into a criminal law which provides that a violation of the rule is a crime.

4. Správní řízení is a non-judicial determination of fault or wrongdoing and may include, in some cases, penalties of various forms. They are typically conducted by government or military institutions.

Various other administrations of government (for example, a department regulating motor vehicles, air pollution, forestry practices, or real estate sales agents) may **5.impose fines** or **6.pozastavení povolení** upon persons or corporations found to be violating rules. Such rules are typically formulated by the administrative authority under general authority established and **7.omezené zákonem**.

Administrative agencies are **8.granted authority** to create regulations and enforce them. The legislature provides this authority to administrative agencies through the delegation of its rule making powers. Some administrative agencies are only granted authority to enforce certain regulations and not to create regulations.

Administrative agencies are bound to **9.enforce regulations** as provided in the statute. Agencies cannot impose new procedures that are not provided in the statutes for enforcing rules. Agencies also cannot impose penalties that are not prescribed in the parent statutes.

People v. Samel, 115 Ill. App. 3d 905 (Ill. App. Ct. 2d Dist. 1983)

10.Obžalovaný, who was a police officer, **11.byl obžalován ze zneužití úřední moci** for using the Law Enforcement Agency Data System (LEADS) for discovering the names and addresses of vehicle owners for the purpose of facilitating burglaries of their premises. The trial court **12.dismissed the charges** and held that a violation of the LEADS system regulations could not form the basis for a charge of official misconduct because the regulations were not criminal in nature. However, it was partly **13.zvráceno odvolacím soudem** by stating that a violation of an administrative regulation could form the basis for a charge of official misconduct **14.regardless of whether** the regulation contained a penalty provision.

2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

C. Language Practice – Word Formation

Complete the table

verb	elect	regulate	enforce	punish			violate	suspend	
noun					resignation	decision			authority

noun	legislation	crime	constitution	president	administration	enforcement	justice
adjective							

Sources:

Uslegal.com

en.wikipedia.org



<http://www.czech.cz/en/Discover-CZ/Facts-about-the-Czech-Republic/Politics/Czech-Republic-Political-System>