



Badji Mokhtar-Annaba University

Law & Political Sciences Faculty

Public Law Department

Level: Third year

Major: Public Law

Module: English

Responsible of the module: Pr. Benlabidi Moufida

Second lecture: Public Law and Public Function Meaning

1/ Public law

Public law the part of law that governs relations and affairs between legal persons and a government, between different institutions within a state, between different branches of governments, as well as relationships between persons that are of direct concern to society. Public law comprises constitutional law, administrative law, tax law and criminal law, as well as all procedural law. Laws concerning relationships between individuals belong to private law.

The following are all examples of public bodies:

- Government ministers, departments and agencies,
- Local authorities (including social services, housing departments and local education authorities),
- Health authorities...

Usually public bodies and officials get their authority to make decisions, and to take action, from Parliament in the form of legislation. Public bodies and organizations carrying out a **public function** have to act in accordance with public law principles and follow these rules:

•**They must act lawfully**: this means that they must follow the law, and must not do things they do not have legal authority to do; that they must not use their powers to do something improper; and that they should follow guidance and policy on the use of their powers unless there is a good reason not to.

•**They must act rationally**: this means that they cannot do something that is not within the range of reasonable decisions or actions available to them.

•**They must act fairly**: this means that they must not abuse power; that if the law says that there are procedures they have to follow to reach a decision they must follow them; that they cannot be biased; that they must treat people equally; that, in some cases, they must consult people before making a decision that affects them; and that they should keep promises unless there is a good reason not to.

2/ **public function**

A public function is an activity that benefits the bulk of a society. For example, constructing the system of roads in a society is a public function. Public functions are often (and by some definitions, exclusively) performed by the government. It refers to the services or activities that are provided by the government at the state and international level, which cannot be achieved solely by private governance structures.