



***THE UNIVERSITY OF THE WEST INDIES***

***EXAMINATIONS OF APRIL/MAY 2006***

**CODE AND NAME OF COURSE: LAW2710 (LA27A) - ADMINISTRATIVE LAW**

**DATE AND TIME:**

**DURATION: 2 HOURS**

**INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.**

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Answer any **THREE (3)** questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. "The courts have greatly undermined the effectiveness of ouster clauses in Acts of Parliament and the constitution. In doing so, they often seemed to have gone beyond their supervisory role which is the ultimate rationale for judicial review."

Discuss.

2. "In the interests of good administration it is now time for jurisdictions in the Commonwealth Caribbean to provide a clear statutory duty for the giving of reasons by administrative authorities".

Discuss.

3. Having regard to decided cases, evaluate the assertion that judicial review is now totally out of control.

4. Answer **EITHER (a) OR (b)**

- (a) Discuss the advantages and disadvantages of the remedies available to the individual as legal safeguards against administrative action.

**OR**

- (b) "If the true basis of the doctrine of legitimate expectation is fairness, then both in logic and principle, legitimate expectation should embrace both procedural and substantive expectations."

Discuss.

**PLEASE TURN OVER**

5. Peter, a licensee of the Squaretown Market for the past two years, was seen trading outside the official opening hours of the market in breach of the conditions of his licence. He was reported by Judas, Peter's competitor in business, to the Market Supervisor, who arranged a meeting of the disciplinary committee of the Market Council to deal with the complaint against Peter.

At the inquiry, Peter was given ample opportunity to address the committee but was refused legal representation, despite numerous pleas. Peter's pleas for an adjournment were also turned down by the committee as being entirely frivolous since Peter had been caught red-handed. The Chairman also said that he had no patience with congenital liars who just wanted time to "cook up" evidence and to waste the time of this honourable and august body.

After Peter's evidence, the Chairman proposed that Peter's charges be augmented with the more serious charge of "conduct disruptive of good order and discipline", the penalty for which is a total life-time ban from trading in the market.

At the deliberation stage of the inquiry, Judas was allowed to sit with the Committee. There is no evidence that Judas took part in the decision of the committee.

The committee's decision is to ban Peter from the market for life.

Please advise Peter.

6. S. 3 of the Immigration Act of Wonderland vests the Chief Immigration Officer with the power to grant and revoke work permits for alien workers as he deems fit. S. 4 grants him the power to order the deportation of any alien worker whose work permit is revoked.

Mary is an administrative secretary of a computer firm in Wonderland and who at all material times is also the holder of a valid work permit for one year.

Six months into the work permit, Mary is summoned to the office of the Chief Immigration Officer and is informed of the following proposed action:

The Minister of Home Affairs has instructed the Chief Immigration Officer to deport Mary and the revocation of Mary's work permit is a first sign to her deportation.

The next step is to seize Mary's passport just before her deportation.

Mary's work permit has six months to expire but the Chief Immigration Officer says that on no account will he ever accept a renewal application from Mary.

Mary is concerned about the threatened action by the Chief Immigration Officer and comes to you for advice.

Please advise Mary.

**END OF PAPER**