

THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF JULY 2003

CODE AND NAME OF COURSE: LA27A - ADMINISTRATIVE LAW

DATE AND TIME:

DURATION: 2 HOURS

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

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

1. "The doctrine of legitimate expectation is nothing more than another aspect of natural justice. Indeed, to hold otherwise would be an attempt to fetter the discretion of administrative authorities."

Discuss.

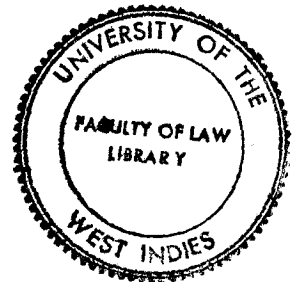
2. "Courts are no longer timid in asserting their inherent supervisory function over the administrative process. We see this not only in relation to the ways in which they would hold a decision to be valid, but also in the kinds of bodies whose decisions they are now willing to review."

Discuss.

3. Assess the argument for and against judicial recognition of a requirement that public authorities offer reasons for their decisions.

4. The duty of the courts to see justice done provides the courts with a platform for a proactive intervention in the area of ouster clauses.

Do you agree?



P.T.O.

5. LA, a local authority in Blackacre, puts out a political manifesto in which it promises to reduce public transportation fares by 25% if returned to office during the next elections. Upon re-election, LA immediately passes a resolution to give effect to its manifesto pledge but is challenged by X, a citizen of Blackacre. LA also decides that TV licences fees are too low and ought to be revised. Accordingly, it passes a resolution to increase TV licence fees retroactively and to forfeit any future overlapping licences without payment of any compensation.

X is of the view that this resolution is also unlawful.

Meanwhile, by the Edutech Act of Blackacre, LA is required to promote "computer education" providing such "efficient, integrated computer education" as it thinks fit, and may expend such sums in that venture as it considers reasonable.

Under the direction of the Chief Education Officer, LA decides to invest its funds in promoting an "Arts First" policy. It thus spends most of its budget on hiring Arts teachers.

X is equally unhappy with this decision.

Kindly advise X on legality of these decisions.

6. Peter, a licensee of the Squaretown Market for the past four 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 stated that he had no patience with congenial liars who just wanted to "cook up" evidence and to waste the time of that 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, but there is no evidence that Judas took part in the decision of the committee.

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

Please advise Peter.

END OF QUESTION PAPER