



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF _____

APRIL/MAY

19 99

CODE AND NAME OF COURSE: LA27A ADMINISTRATIVE LAW

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 3 pages and 6 questions.

Answer **THREE** questions.

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. "Administrative Law now seems to have no limits."

Discuss.

2. "It is quite clear that an administrative authority is estopped from denying expectations which arise from its own actions."

Discuss.

3. "Constitutional and statutory clauses which purport to exclude the jurisdiction of the courts to review the actions and decisions of public authorities are the subject of much legal controversy, particularly because they seek to deny the subject access to the courts for redress for perceived illegality."

Discuss.

4. Almo, the holder of a liquor licence for eight years, applies for a renewal of his licence to operate a disco in Bano, which, in the last year, has blossomed into a new, trendy residential area. The authority responds: "We regret to inform you that your application for a licence has been refused."

PLEASE TURN OVER

Almo also applies for a gun licence. He reads in the paper that it is government's policy that where a person is refused a liquor licence, he will not be granted a gun licence due to too many gun crimes escalating in entertainment areas. Almo, fearing a denial of his application, phones his Member of Parliament and requests him to assist with the licence. The MP then phones the licencing authority and instructs them to issue Almo a gun licence. Almo receives his licence.

Camla, a well known heckler at political meetings, applies for a gun licence. The Minister who is charge of the licensing authority declares: "That man can never get a licence while I am in office." Camla's licence is refused.

Advise the parties.

5. The Agricultural Workers Department (AWD) is a special department in the Ministry of Agriculture of Barbados responsible for regulating the terms and conditions of employment of agricultural workers. The Authority has a discretion to increase wages in accordance with market conditions and inflation. The Authority also has a discretion to regulate all other matters relating to employment matters in the industry.

The AWD decides to revise the wages of all women in the Banana Market Corporation in order to "demonstrate solidarity with Government's aim of achieving women's equality in the country and because women's wages in the industry are comparatively low."

The Authority also decides to cut the salary of management in the Banana Market Corporation in order to institute a day-care creche for the children of the of workers at the Corporation. The Authority also instructs the Minister responsible for immigration not to issue entry permits to permits from neighbouring islands who wish to work in the sugar industry.

Discuss the issues raised.

6. The Water Authority of Utopia, an independent Commonwealth Caribbean country, is a statutory authority of the government. The employees of the authority are members of the Public Officers Trade Union, whose representative at the authority is Primus. Primus is a Clerk at the authority and a member of the Union's team which is negotiating with the authority for improved working conditions for the employees of the authority.

PLEASE TURN OVER

The Public Service Act of Utopia empowers the Public Service Commission (hereinafter referred to as "the Commission") to exercise disciplinary control over public officers. Further to this, the Act provides, *inter alia*, for the termination of the services of public officers for misconduct.

Tempus, the Chairman of the Authority, has complained that Primus misbehaved when he overturned tables and caused physical injury to him and other persons, and used loud and abusive language during a session of the negotiations. Primus is charged with misconduct by the Commission. He appears before the Commission to defend the charges. His request for an adjournment of the matter in order that his lawyer could be present was refused. During the hearing, he was denied the opportunity to ask any questions of the persons who gave evidence against him, and he was not permitted to call anyone to give evidence on his behalf.

Tempus was present at the final deliberations of the Commission at which it took the decision to dismiss Primus from the Authority.

Advise Primus.

END OF PAPER