



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF _____ JULY/AUGUST _____ 2000

CODE AND NAME OF COURSE: LA 27A 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. Tom, a licensee of the People's Market for the past six years, is seen trading outside of the official opening hours of the market in breach of the conditions of his licence. He is reported by Foxy, Tom's competitor in business, to the Market Superintendent. The Superintendent arranges a meeting of the disciplinary committee of the Market Council to deal with the complaint against Tom.

At the inquiry, Tom is given ample opportunity to address the disciplinary committee but is refused legal representation, despite numerous pleas. The committee also turns down Tom's pleas for an adjournment as being entirely frivolous since Tom is caught red-handed. The Chairman also says that he has no patience with congenital liars who just want time to concoct evidence and waste the time of the committee.

After Tom's evidence, the Chairman proposes that Tom's charges should be augmented with the more serious charge of conduct disruptive of good order and discipline. The penalty for this offence is a life ban from trading in the market.

At the deliberation stage of the inquiry, Foxy is allowed to sit with the Committee. There is no evidence that Foxy takes part in the decision of the committee. The Committee's decision is to ban Tom from the market for life.

Please advise Tom.

PLEASE TURN OVER

2. The courts' responses to ouster clauses may appear at times to challenge the sovereignty of parliament, but in doing so the judges display laudable devotion to the principle of the rule of law.

Discuss.

3. Assess the arguments for and against judicial recognition of a requirement that government bodies offer reasons for their decisions.

4. How can 'public law' and 'private law' be distinguished for the purposes of an application for judicial review?

5. Answer EITHER (a) OR (b)

- (a) The Government of Wonderland decides to set up a scheme to provide compensation to deserving claimants who are victims of crime. The scheme is designed to leave a wide discretion to officials in a government department to handle all claims.

Explain the legal problems that are likely to arise in the determination of claims and how the courts may seek to control the discretion of the government officials.

- (b) Francis is granted a liquor licence to operate at the "Grove Restaurant" in Wonderland, a Commonwealth Caribbean country. The licence is granted subject to the condition that 'no child under the age of sixteen years shall be admitted to the restaurant whether accompanied by an adult or not'.

Under the Liquor Licensing Act, 1999, the Commissioner of Police is given power to revoke or suspend a licence:-

- (a) for breach of any conditions contained in the licence, or
- (b) where the holder of the licence has, in the opinion of the Commissioner of Police, been guilty of gross misconduct in or with respect to the licensed premises.

Judas, the member of Parliament for the Parish of St. Cross in which the Grove Restaurant is located, complains that children under sixteen years are being admitted to the Grove Restaurant and that the premises are a hangout for prostitutes at night. Judas invites the Commissioner of Police to discuss the matter, after which the Commissioner of Police revokes the liquor licence of Francis.

PLEASE TURN OVER

Francis hears that Judas is boasting in his constituency that he is responsible for the revocation of Francis's liquor licence.

Advise Francis.

6. Thomas, an industrialist from Blackacre, has been resident in Bubonga since 1990. Between 1990 and 1999, his work permit has been renewed annually and routinely. This year, the Minister of the Interior decides against the renewal of the work permit for Thomas. The Minister claims that his decision is immune from judicial review. Thomas wishes to challenge the Minister's decision.

Advise Thomas.

END OF PAPER