



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF \_\_\_\_\_ AUGUST \_\_\_\_\_ 2002 \_\_\_\_\_

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.

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Answer **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. "It has been finally put beyond dispute that every public authority or functionary is under a duty to state reasons for its decision."

Discuss.

2. "Ouster clauses continue to appear in statutes and constitutions. However, their presence has not deterred the courts from pronouncing upon the unlawfulness of administrative action."

Discuss.

3. "Judicial fortitude has won the day. Every public body has now been brought within the scope of the judicial review."

Discuss.

4. "The development of the doctrine of legitimate expectations has effectively imposed a fetter on the discretion of public functionaries."

Discuss.

5. "The Administrative Justice Act of Barbados is nothing more than a lukewarm attempt at law reform."

Discuss.

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6. By the Firearms Act of Greenville, a modern Caribbean state, its Commissioner of Police may revoke any firearm licence, certificate or permit:
- (a) if, in the case of the holder of a firearm dealer's licence or a gunsmith's licence, the holder of a licence is convicted for an offence against this Act;
  - (b) if he is satisfied that the holder of a licence is mentally unstable, given to fits of bad temper or is otherwise unfit to be entrusted with any firearm or ammunition as may be mentioned in the licence or permit;
  - (c) for failure to renew the licence; or
  - (d) in any other case he thinks necessary.

Williams, a gun dealer in Greenville, has held a dealer's licence since 1980. He has renewed it, as required by law, annually. In 2001, his application for renewal is refused by the Commissioner of Police because the Commissioner of Police "thinks it necessary to do so". His business has now become crippled.

Williams subsequently learns that the Commissioner's decision is based exclusively on a report submitted by the Superintendent for the District of Greenville. The Superintendent is currently involved in a court action brought against him by Williams for unlawful entry and search of his premises. The report was prepared without any reference to Williams.

Advise Williams.

**END OF QUESTION PAPER**