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SCHOOL OF LAW

COURSE NAME:	Public Law II
COURSE NUMBER:	LA208
TIME ALLOWED:	Three (3) Hours
READING TIME:	Ten (10) Minutes
NUMBER OF PAGES:	Three (3)
NUMBER OF QUESTIONS ON PAPER:	Five (5)
NUMBER OF QUESTIONS TO BE ANSWERED:	Three (3)
MARK ALLOCATED FOR EACH QUESTION:	Twenty percent of Total Grade
TOTAL MARKS FOR THIS EXAMINATION:	Sixty percent of Total Grade
MATERIALS PERMITTED IN EXAMINATION ROOM:	None.

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SPECIAL INSTRUCTIONS

1. There is **no compulsory question** in this examination. You are free to choose ANY three out of five. They carry equal value.
2. Where there are sub-parts to any question, please answer all the sub-parts, except where otherwise stated.
3. Do not bother to write the questions on your answer script. It wastes your time.
4. Do not open the next page of this question paper until you are told to do so.
5. Do not attempt to take this question paper out of the examination room.
6. This is a law examination. **Support your answers with legal principles and case law** relating to Administrative Law. Extraneous references are not helpful here.
7. Be calm. **Take note of the operative words in your questions.** Let your mind focus on how best to respond to the questions of your choice. Best wishes!

QUESTIONS START ON THE NEXT PAGE.

*Approved*  
*[Signature]*

### QUESTION ONE (TWENTY MARKS)

Citing relevant case law, write comprehensive notes on ANY TWO (2) among the following:

- (a) *Carltona* Principle. Ten marks.
- (b) Legitimate expectation. Ten marks.
- (c) Evidence of probative value. Ten marks.
- (d) *Audi Alteram partem*. Ten marks.

### QUESTION TWO (TWENTY MARKS)

- (a) Discuss *mandamus* both as an Administrative Law concept as a remedy under judicial review. Ten marks.
- (b) Are there any instances when the courts will decline to issue an order of *mandamus*? Discuss them, if any. Ten marks.

### QUESTION THREE (TWENTY MARKS)

Suppose that the Customs Act No. 67 (2005) of your country provides:

“A customs officer may seize and confiscate any container or other article being brought into the country which he or she believes contains any prohibited dug.”

Your client imports a container, and a customs officer seizes and confiscates it. Examine the following scenarios and highlight how you would challenge this seizure. Start by setting out the general principle(s) of law applicable to this question. Five marks.

- (a) The customs officer says, “I know what is in that container. Your brother has been convicted of selling drugs and I know that he gets his supplies from you.”

Your client says, “But this is not true. There are no drugs in my container.”

The customs officer says, “It is no use talking to me like that. I know what I am doing. The container must be seized and confiscated.” Five marks.

- (b) The customs officer says, “I know that there are drugs in that container. It is not worth your while to deny this. I am going to order that this container be seized.” Five marks.

- (c) The customs officer asks your client what is in the container and your client says, “Books.”

The customs officer says, “But everyone knows that you are smuggling drugs. I will have to order the seizure of this container.” Five marks.

**QUESTION FOUR (TWENTY MARKS)**

- (a) Analyse the difference between Administrative Law in its Widest Sense and Administrative Law in its Narrower Sense. **Ten marks.**
- (b) With appropriate illustrations from case law, discuss "actions which are not subject to judicial review." **Ten marks.**

**QUESTION FIVE (TWENTY MARKS)**

With the aid of appropriate case law, explain the meaning of the following terms or phrases in Administrative Law:

- (a) Irrelevant Considerations or Omission of Relevant Considerations. **Five marks.**
- (b) Unreasonableness. **Five marks.**
- (c) *Locus standi*. **Five marks.**
- (d) Improper purpose. **Five marks.**

**THE END.**