

THE UNIVERSITY OF THE SOUTH PACIFIC
DISTANCE AND FLEXIBLE LEARNING SUPPORT CENTRE

EXAMINATION PAPER
SEMESTER 1/2005

COURSE TITLE: LAC05	ADMINISTRATIVE LAW
DURATION OF EXAM	3 HOURS
TOTAL NUMBER OF PAGES	2
NUMBER OF QUESTIONS	FIVE (5)
NUMBER OF QUESTIONS TO BE ANSWERED	FIVE (5)
MARK VALUE	50%
<u>NOTES TO CANDIDATES</u>	
<ol style="list-style-type: none"> 1. ANSWER <u>ALL FIVE</u> QUESTIONS 2. Marks for each questions are indicated 3. Refer to any relevant case authorities to support your answers 4. Candidates may take into the examination room ⁱⁿ annotated copies of Reader of cases and NOT the course book. 5. This exam is worth 50% of the total marks for the course. 	

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ANSWER ALL QUESTIONS

Question 1

Explain each of the following remedies and give examples of when they can be issued by the courts.

- (a) certiorari
- (b) Mandamus
- (c) Injunction
- (d) Declaration
- (e) Habeas Corpus

(10 marks)

Question 2

Explain with reasons whether the following decisions or actions lack legal authority.

The Furnished houses (Rent Control) Act of your country provides:

“The Rent Tribunal to fix rents of fully furnished premises only”.

- (a) You have made an application to the tribunal for a licence to rent out your unfurnished premises and a licence has been issued to you on the condition that you rent the premises at the sum of \$200 per month.
- (b) The Town Council of your country is authorised by legislation to make by laws for the issuance and control of Hawker’s Licence within its area. You have applied for a Hawker’s licence to sell artefacts to tourists. The local council passed a bylaw that prohibits you from selling within 2km from any tourist centre.
- (c) Legislation governing local town Councils in your jurisdiction provides that all town Council meetings and decisions relating to application for permits are to be held within 6 days after receiving the applications.

You have applied for a permit to make extension to your furnished premises. You received a reply from the Town Council the next day refusing your application.

(10 marks)

Question 3

The Traffic legislation of your Country authorises a maximum penalty of \$700.00 for the offence of Careless Driving.

What principle of law has been breached in the following situations?

- (a) Mac was convicted of Careless Driving and fined \$1,000.00
- (b) What if Mac's case had gone to trial and half way through the proceedings another Magistrate intervened and took over the proceedings and fined Mac \$700.00.

Give reasons for your answers.

(10 marks)

Question 4

Define and explain the following terms:

- (a) Repugnance
- (b) Locus Standi
- (c) Substantive office
- (d) Ultra Vires
- (e) Acquiescence

(10 marks)

Question 5

Describe and illustrate all the essential elements that amount to breach of Natural Justice.

(10 marks)

End of Paper