

THE UNIVERSITY OF THE SOUTH PACIFIC  
UNIVERSITY EXTENSION  
EXAMINATION PAPER  
SEMESTER 1/ 2004

COURSE TITLE: LAW FOR ADMINISTRATORS: LAC05

Duration of Exam	3 hours
Total Number of Pages	2
Mark Value	50%
Number of Sections	-
Number of Questions	5
Number of Questions to be answered	5

**NOTES TO CANDIDATES**

1. Answer all five Questions.
2. Marks for each question are indicated
3. Refer to any relevant case authorities to support your answers.
4. Candidates may take into the examination room unannotated copies of Reader of cases, and NOT the coursebook.
5. This exam is worth 50% of the total marks for the Course.

## ANSWER ALL QUESTIONS

1. Define and explain the distinction between any TWO of the following 4 pairs of remedies available to control decisions, rules and actions taken by public official and/or bodies.

- (a) Mandamus and Certiorari
- (b) Injunction and Declaration
- (c) Prohibition and Injunction
- (d) Quo Warranto and Habeas Corpus

(10 marks)

2. The Traffic legislation of your Country authorises a maximum penalty of \$1,000.00 for the offence of driving under the influence of liquor. What principle of law had been breached under the following situations?

- (a) Jim was convicted of driving under the influence of Liquor and fined \$1,500.00.
- (b) What if Jim's case had gone to trial and halfway through the proceedings another Magistrate intervened and took over the proceedings and fined Jim \$1,000.00.

Give reasons for your answers.

(10 marks)

3. Assume that the Public Health Act of your country provides:

That the Minister of Health may Order the demolition of a dwelling house if he is satisfied that such a dwelling house is unfit for human habitation.

An Order has been made that a building owned by you is to be demolished.

Could this Order be successfully challenged for lack of legal authority if:

- (a) The Order was made by the Permanent Secretary for Health; or
- (b) The Minister at a Press Conference had said that he was satisfied that the building which was used as a ware house was infested with rats and as such was a danger to Public Health.
- (c) The Minister of Health at a Press Conference had said that he was satisfied that the dwelling house was too old and so was a danger to people living in it.

(10 marks)

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

(10 marks)

5. Define and explain the following terms:

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

(10 marks)

END OF PAPER