

THE UNIVERSITY OF THE SOUTH PACIFIC UNIVERSITY EXTENSION



COURSE TITLE: LAC05 ADMINISTRATIVE LAW	
DURATION OF EXAM:	Three (3) Hours
TOTAL NUMBER OF PAGES:	Three (3) (Including this page)
MARK VALUE:	Fifty Percent (50%) of the Total Grade
NUMBER OF QUESTIONS:	Four [4]
NUMBER OF QUESTIONS TO BE ANSWERED	Four (4)
INSTRUCTIONS TO CANDIDATES	
<p>1. No written materials are permitted to be carried by students into the Examination room.</p> <p>2. Do not re-write the questions on your answer script.</p> <p>3. Attempt to support your answer with legal principles established by case laws or written law</p> <p>4. Keep your mind focussed and be calm. All the best!</p>	

EXAMINATION PAPER SEMESTER 1 2007

Approved. *[Signature]* (Hos) 24/05/07

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QUESTION 1 (15 marks – 3 marks per section)

Define and explain the following terms, using examples to support your answer.

- (a) Unreasonableness
- (b) Ultra Vires
- (c) Error of law
- (d) Injunction
- (e) Declaration

QUESTION 2 (20 marks – 5 marks per section)

(A) In your own words describe the 3 main judicial remedies that the courts provide in respect of actions for breach of contract.

(B) Give two (2) examples of modifications to the application of general principles of liability in respect of torts committed by public officials, using cases to support your answer.

(C) What are the judicial remedies provided by courts in respect of a breach of fiduciary duty? Support your answer with case law.

(D) Define and explain the distinction between the following, using cases to support your answer:

- i. Mandamus and Certiorari
- ii. Prohibition and Habeas Corpus

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QUESTION 3 (5 marks)

In your own words, describe the general principle that courts apply when public officials refuse to perform a public duty. Support your answer with relevant case law.

QUESTION 4 (10 marks – 2.5 marks per section)

Describe the principles of Administrative Law that are derived from the following cases :

- (a) Rederiaktiebolaget Amphirite v The King (1921) All ER Rep 542
- (b) Aberdeen Town Council v Aberdeen University (1777) 2 App Cas 544
- (c) R v Home Secretary, Ex parte O'Brien (1923) 2 KB 361
- (d) R v Medical Appeal Tribunal, ex parte Gilmore (1957) 1 All ER 796