



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_1 EXAMINATION

COURSE CODE: PUL443

COURSE TITLE: ADMINISTRATIVE LAW 1

CREDIT UNITS: 4

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH.

- 1.(a) “Administrative agency is a governmental authority, other than a court and a legislative body, which affects the rights of private parties through either adjudication, rulemaking, investigating, prosecuting, negotiating, settling or informally acting.” - Kenneth Culp Davis. Analyse this statement bearing in mind the Nigerian experience. **10 Marks**
- 1.(b) Administrative Agencies are granted power to make rules. Nevertheless, these Agencies adopt different methods of rulemaking procedures. Discuss. **15 Marks. Total = 25 marks**
2. The essentials of Separation of Powers as envisaged by Baron de Montesquie, in his *Del’spirit des lois* is that governmental arms and powers must be distinct in order to ensure the liberty of the citizen. Discuss. **15 Marks**
3. One of the enduring problems of delegated legislation is to ensure that delegated powers are not abused. Discuss the various means of controlling the administrative powers. **15 Marks**
4. Administrative Law is a branch of Public Law concerned with the regulation of administrative agencies. Its major thrust is to ensure that the exercise of powers by the agencies is within the limits prescribed by law. Discuss. **15 Marks**
5. From Aristotle to Bracton, the cry is that “the rule of law is preferable to that of any individual” and that “the king himself ought not to be subject to man but subject to God, and the law because the law makes the king. **Critically examine these statements. 15 Marks**
6. Constitutional supremacy as a concept envisages the power of the constitution to override any other law or authority in the state. It is one of the marks of a constitutional democracy. Discuss with specific reference to Nigeria, making specific reference to relevant legal authorities. **15 Marks**