



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

COURSE CODE: PUL444

COURSE TITLE: ADMINISTRATIVE LAW 11

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. Administrative authorities carry out their functions through the instrumentality of rules. However, the authority of administrative agencies to make rules ought to be controlled to avoid abuse. Discuss. **25 marks**
2. The powers of the Attorney General of Ekeh Republic are contained in Section 231 of the Constitution. By that section, the Attorney General is empowered to commence criminal charges against any person who has committed a criminal offence. Bongos is a gang leader of the ruling party in the country. During the 2019 general elections, Bongos was deployed to attack polling stations where supporters of the opposition party are in the majority. In the process of snatching ballot boxes for the ruling party, Bongos shot and killed an electoral officer in a polling station. The Inspector General of Police (IGP) of the country ordered investigation into the murder and Bongos was found culpable. The IGP has recommended that the Attorney General of the country should commence the prosecution of Bongos for the murder of the electoral officer. It is now more than a year after the recommendation; the Attorney General has not commenced criminal charges against Bongos. As a result Victor, a brother to the electoral officer, has commenced action at the Federal High Court to compel the Attorney General to commence the prosecution of Bongos for the murder. The Attorney General has objected to the suit on the basis that he cannot be compelled to prosecute Bongos. Discuss the legal issues. **15 Marks**
3. The doctrine of *locus standi* operates as a practical limitation on the availability of judicial review of administrative actions. This is because *locus standi* demands that in order to be able to challenge an action; a person must have an interest which is sufficiently affected by the action being challenged. It is not enough to show that one falls within the class affected; he must go further to show that he has some personal interest that have been or is certain to be affected by the action complained of. Discuss. **15 Marks**
4. Ultra vires means to act beyond the powers donated by law. Such exercise of powers ought to be subject to judicial review. Discuss. **15 marks**
5. Kent State established a Rent and Recovery of Premises Tribunal in its state. This was to address the problem of outrageous high rent charged by landlords in the state. By Section 100 of the Tenancy Law of the state establishing the Rent Tribunal, "The Rent Tribunal shall have the power to determine the rent payable for residential accommodation in the state except rent

relating to government owned housing estates.” Mr. John is a tenant in Silver Estate owned by the state government. He has brought a suit against the management of Silver Estate at the Rent Tribunal contending that the rent payable in respect of his house is outrageous. He prays the Rent Tribunal to determine the rent he ought to pay. In its judgment the Rent Tribunal gave judgment in favour of Mr. John and reduced the rent he pays for his accommodation. Also on the same day the Rent Tribunal gave judgment and granted a right of occupancy regarding a plot of land in the capital of the state. Two days after the Rent Tribunal commenced hearing a suit brought by Adetiloye asking the tribunal to make an order demolishing houses belonging to Mr. Okafor. The tribunal has fixed a date for judgment in the case. Mr. Okafor is apprehensive that the tribunal may grant Adetiloye’s application before it and intends to take actions to forestall that happening. Discuss the legal issues involved. **15 marks**

6. Dr. Johnbosco is a medical practitioner with Atlantic Hospital Limited. Some patients made allegations of unethical conduct against Dr. Johnbosco in the performance of his duties as a medical practitioner. As a result, the Atlantic Hospital Limited has brought a complaint to the Medical and Dental Council regarding Dr. Johnbosco’s unethical conduct. After reviewing the complaint, the Council has decided to refer the matter to the Medical Practitioner’s Disciplinary Tribunal. The Secretary and a member of the Medical and Dental Council are the Chairman and secretary of the Medical Practitioner’s Disciplinary Tribunal. Also a member of the Tribunal is a shareholder in the Atlantic Hospital Limited. The tribunal has sat and made a determination stopping Dr. Johnbosco from practicing as a medical doctor. Discuss the legal issues.
- 15 Marks**