

COURSE CODE: PUL444
COURSE TITLE: ADMINISTRATIVE LAW II
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) Properly conceptualized, the doctrine of *locus standi* operates as a practical limitation on the availability of judicial review of administrative actions since it requires 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
- 1.(b) Discuss the legal framework of Local Government in Nigeria. **10 marks**
2. The rulemaking powers of administrative authorities are considerable and there is need for its exercise within the law. Accordingly, control is necessary to ensure against abuse. Discuss, bearing in mind the various methods of control of administrative rule making. In answering the question, reliance should be placed on the constitution and laws of Nigeria. **15 marks**
3. Essentially the doctrine of *ultra vires* covers not only those decisions made in excess of power, but also covers other heads of judicial review, which includes failure to observe rules of natural justice, irregular delegation of powers, jurisdictional error, unreasonableness, irrelevant considerations and improper motives. Discuss. **15 marks**
4. Section 10 of the Constitution of Kanga Republic empowers the Attorney General of the country to commence criminal charges against any person who the Attorney General believes has committed an offence against the state. Agbero, a political thug of one of the major parties, had during one of the elections attacked voters and burnt ballot boxes

QUESTION FOUR

- 4a. A company issues ₦150,000, 20% Debentures of ₦150 each. The company is in 30% tax bracket. You are required to compute the cost of debt after tax, if debentures are issued at (i) Par, (ii) 10% discount, and (iii) 10% premium. (iv) If brokerage is paid at 5%, what will be the cost of debentures if issue is at par? (10 Marks).
- 4b. Identify and discuss the two characteristics of public goods. (10 Marks).

and papers which conduct is an offence contrary to the electoral law of the country. He was arrested by the police and after investigation there was sufficient evidence to prosecute him. The Inspector General of Police has recommended that the Attorney General of the country should commence the prosecution of Agbero for committing electoral offences. More than a year after the recommendation, the Attorney General has not commenced such prosecution of Agbero for alleged electoral offences he committed. Biodun, who was one of the voters attacked by Agbero during the election, has applied to the Attorney General to institute a criminal action against Agbero for his criminal conduct during the election. The Attorney General has refused and Biodun has commenced action in court to compel the Attorney General to commence the prosecution of Agbero for the offences allegedly committed during the election. The Attorney General has objected to the suit on the basis that he cannot be compelled to prosecute Agbero. Analyse the legal issues.

15 marks

In its broadest sense, natural justice may simply mean 'the natural sense of what is right and wrong, and even in its technical sense it is now equated with fairness'. Expatiate.

15 marks

Habeas corpus is a prerogative order and is an appropriate remedy in cases of unlawful detention, where the personal liberty of the detainees is at stake. By the Writ of *Habeas corpus*, the court compels the officer detaining the applicant or the appropriate authority in charge to ensure that the applicant is not detained beyond the time allowed under the enabling law. Elucidate.

15 marks

money, and now the value of Blackacre has dropped to N2 million. Discuss the most appropriate equitable maxim which should be applied in this resolving the claim between A v B.

QUESTION 5

In *Tinsley v Milligan [1994] 1 AC 340*, the HOLs held that the claimant did not come with clean hands because she could not rely on her dishonest conduct to establish an entitlement to the property. Discuss, illustrate with AMPLE judicial authorities, the nature and application of the maxim *he who comes to equity must come with clean hands*.

QUESTION 6

Write short notes on the following:

- a. The doctrine of notice under equity –
- b. Equity looks to the Intent rather than to the Form - and its applications