

**COVENANT UNIVERSITY
NIGERIA**

*TUTORIAL KIT
OMEGA SEMESTER*

**PROGRAMME: POLITICAL
SCIENCE**

COURSE: PSI 321

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PSI 321: ADMINISTRATIVE LAW

Lecturers: Dr. S. Joshua

QUESTIONS

- (1) Critically examine the rationale for delegated legislation
- (2) Conceptualize Administrative Law
- (3) Discuss the mechanisms of control of delegated legislation
- (4) Discuss the features of administrative law
- (5) Examine the procedure involved in judicial review of administrative process
- (6) Discuss Order of Mandamus
- (7) Discuss the limit of judicial review of administrative policies
- (8) Discuss the principle of natural justice within the context of fair hearing and rule against bias.
- (9) Discuss methods of seeking redress in court
- (10) Explain Declaration as a Legal Concept
- (11) Explain Writ of Certiorari
- (12) Discuss Writ of Habeas Corpus
- (13) Why would a superior court issue Writ of Certiorari?:
- (14) What do you understand by declaration?
- (15) Discuss the sources of administrative law
- (16) Examine the limits of judicial review of administrative policies
- (17) Discuss Locus Standi
- (18) Discuss the features of administrative law
- (19) Discuss why there is no locus standi for everyone
- (20) Elucidate on the concept of Writ of Habeas Corpus

MODEL ANSWERS IN ALTERNATE SEQUENCE (ODD NUMBERS)

- (1) Critically examine the rationale for delegated legislation.
Answer: Parliament is under tremendous pressure of time so it becomes difficult for it to pass all laws that will be needed in the administration of a country.
- (b) Parliament is elected usually for a given period of time depending on what the constitution of the country prescribes, within this period; it becomes difficult for the parliament to pass all the laws of the country.
 - The technical nature of some of the laws: some of these laws particularly Delegated Legislations are technical laws. For example it is difficult for the parliament to pass the law that guides the schools in the country. It is much suitable to give authority to the executive organ to pass laws that require technical knowhow.
 - By authorizing the executive organ and its agencies to pass laws, parliament tries to reduce the size of its statue. If all laws are passed by the statue, the statue group becomes too big and powerful.

- Subsidiary legislations are very flexible, they can be amended easily unlike parliamentary laws that are rigid and cannot be easily amended.
- In terms of emergency, subordinate legislatures are the best because their laws can easily be passed to meet exigency of time.

The need for unforeseen condition: It is pretty difficult for parliament to pass law to meet unforeseen situation like outbreak of flood, diseases etc. The subordinate can handle all of these because powers have been vested on them to enact laws to meet emergency situations. The parliaments cannot meet easily to make laws in an emergency situation.

(3) Discuss the mechanisms of control of delegated legislation

Student is expected to give a brief introduction; discuss in detail the mechanisms of control of delegated legislation which are: Parliamentary control; executive control; Judicial control and control through the public. Conclusion.

(5) Examine the procedure involved in judicial review of administrative process

Answer: Student is expected to give a brief introduction.

- The Court would like to know whether public officers, council, etc. has acted within their powers.

The court would like to see whether such agency or public officers have not exceeded power granted to them.

The court would like to find out whether such agency has properly interpreted the law in the course of exercising their power; whether the principle of fair hearing was observed.

(7) Discuss the limit of Judicial review of administrative policies

- Student is expected to give a brief introduction and then discuss the following in details:
- Constitutional amendment
- Constitutional exclusion of judicial review
- Constitutional restraints on the power of judiciary

(9) Discuss methods of seeking redress in court

Answer: (1) The action one is complaining against must be capable of judicial adjudication in court.

(ii) It must also be an action of which the court has the power to adjudicate. If not, the case or petition will be thrown out of court.

(iii) You can also petition when your right is about to be threatened i.e. you must not wait for your right to be threatened before going to court. It is better to prevent the action to happen before going to the court.

(iv) It must not be based on speculation.

(v) Seeking redress should not include preventing government from implementing its policies.

(vi) Redress must be sought on time before the case is statute by

(11) Explain Writ of Certiorari

Answer: A Writ of Certiorari and prohibition is an order given by a court by

Which tribunal or another lower court is asked to submit the records of proceedings, which is used when trying a particular case? It is not an appeal per se, i.e. a tribunal or lower court that

adjudicates over a dispute e.g. between Davies (the tenant) and Kayode (the landlord) on rent tribunal. After the proceedings of the dispute, Davies now takes the case to the high court.

(13) Why would a superior court issue Writ of Certiorari?: The high court wants to see if the lower court has followed proper procedure in deciding the case; The high court wants to see whether the lower court has allowed the principle of National Justice in deciding on the matter or proceedings; the high court's want to see if the lower court has the jurisdiction to consider the matter; the high court wants to see if the lower court has considered fully the weight of evidence before coming to conclusion.

(15) Discuss the sources of administrative law

- Answer: The constitution of the country;
- The status and resolutions passed by the legislature of a country;
- Charters, local body acts granted and enacted by the legislature;
- ordinances, rules, regulations, resolutions, orders, directions etc, issued by the administrative authorities; Customs and conventions; and
- Judicial decisions of the court.

(17) Discuss Locus Standi

Locus standi is the right to present a case in court for adjudication. It means:

- Who qualifies to present a case for judicial solution; who qualifies to get the audience of the court to offer a judicial solution; the legal capacity to institute proceedings in courts; it also determines who has access to judicial institution.

(19) Discuss why there is no locus standi for everyone

- Answer: The court wants to prevent an individual from bringing:
 - (1) A frivolous case to the court.
 - (2) A vexation matter to the court.
 - (3) To guide against the abuse of the court's process.
 - (4) From wasting the time of the court.