



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2019_2 EXAMINATION QUESTIONS
OCTOBER/NOVEMBER, 2019

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. 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 rulemaking with clear reference to Nigeria. **25 marks**
2. The concept of ultra vires is extremely very broad. Properly conceived, the doctrine of ultra vires covers not only those decisions made in excess of power, but it 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 with reference to Nigerian Law. **15 marks**
3. *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. Discuss. **15 marks**
- 4.(a) The concept of Local Government involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own, performing specific functions as within the wider national framework. Discuss.
- 4.(b) Discuss the legal framework of Local Government in Nigeria. **15 marks**
5. John is a building engineer with ABC Limited. There has been several allegations of unprofessional conduct and lack of competence against John in the performance of his duties as a building engineer. As a result of a complaint by Golden Estates Limited that a building constructed by John collapsed six months after it was completed, a petition was sent to the Council for the Regulation of Engineering (a body statutorily constituted to regulate the construction of buildings and provide disciplinary measures against building engineers), regarding John's lack of competence. The Council has waded into the matter and made determinations. The secretary and a member of the Council are the Chairman and secretary of

Golden Estates Limited. The Council has sat and made a determination suspending John from practicing as a Building Engineer. Discuss the legal issues. **15 marks**

6. Section 54 of the Kataka Constitution empowers the Attorney General of the country to commence criminal charges against any person who as a result of criminal investigation by the Police Force had committed offence against the state. Jakuda is a thug of the ruling party in the country. During a rally by the ruling party, Jakuda shot and killed Joseph, a top officer of the opposition party. Jakuda believes that Joseph is strategic to the campaign of the opposition party. The Inspector General of Police of the country ordered investigation into the murder and Jakuda was found to have killed Joseph in cold blood. The Inspector General of Police has recommended that the Attorney General of the country should commence the prosecution of Jakuda for the murder of Joseph. More than a year after the recommendation, the Attorney General has not commenced such prosecution. As a result, Wisdom, a brother to Joseph, has commenced action at the High Court to compel the Attorney General to commence the prosecution of Jakuda for the murder of Joseph. The Attorney General has objected to the suit on the basis that he cannot be compelled to prosecute Jakuda. Discuss the legal issues.