

UNIVERSITY OF LONDON

266 0008 ZA

277 0301 ZA

**LLB EXAMINATION**

for External Students

PARTS I AND II EXAMINATIONS (Scheme A)

THIRD AND FOURTH YEAR EXAMINATIONS (Scheme B)

GRADUATE ENTRY LEVEL II (Route A)

GRADUATE ENTRY THIRD YEAR (Route B)

**BSc DEGREES**

for External Students

MANAGEMENT WITH LAW, LAW WITH MANAGEMENT, ACCOUNTING  
WITH LAW AND LAW WITH ACCOUNTING FOR STUDENTS IN THE  
EXTERNAL PROGRAMME

**Administrative Law**

Tuesday 10 June 2008 : 10.00 – 1.15 pm

Candidates will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their answer books. They then have the remaining **THREE HOURS** in which to answer the questions.

Candidates should answer **FOUR** of the following **EIGHT** questions.

Candidates should answer all parts of a question unless otherwise stated.

1. "The Human Rights Act 1998 has profoundly increased the powers of the courts and equally profoundly reduced the powers of the executive branch of government."

Discuss.

2. In what circumstances will a decision of an administrative body be found unlawful because of bias on the part of the decision makers? Is this area of the law in need of reform?
3. What policy considerations are served by the distinction drawn by the courts between decisions which are invalid and those which are merely voidable? Is it possible to predict with any certainty on the basis of the relevant case law on which side of the divide a given decision will fall?

4. The (fictitious) Governance of Police Act 2005 empowers local Police Authorities to dismiss their Chief Officers if the officers perform their duties negligently or dishonestly. In September 2007, Bluetown Police Authority, which was controlled by the Labour Party, dismissed its Chief Officer, Fred Smith, for alleged negligence and dishonesty.

The Authority did not offer any reasons for its decision, nor was Mr Smith given any opportunity to question the decision before it was made. Because he has been dismissed, Mr Smith loses his entitlement to a pension. He has however decided not to challenge the dismissal, and was last heard of living in a beachside villa in the Seychelles.

However, Mr Smith's deserted wife, Professor Samantha Smith, wishes to challenge the Authority's decision, which she believes to have been motivated by political bias. She wishes to ensure that Mr Smith receives his pension so that she (Professor Smith) and the couple's three children will be provided for financially in the event of Mr Smith's death.

The local branch of the Police Federation, the local Chamber of Commerce and the local branch of the Conservative Party all have particular reasons for wishing to challenge the Authority's action.

The Police Federation claims that it is in its members' interests to establish whether the secrecy with which the decision was taken is lawful. The Chamber of Commerce is concerned that poor management of the Police Authority increases the risk of crime in the Bluetown area, while the local Conservative Party considers that a court action is the most effective way of ensuring that the claim of political bias is examined in a public forum.

Advise the various concerned parties whether they have standing to challenge the Police Authority's decision to dismiss Mr Smith.

5. "The central and local government Ombudsmen serve no purpose that could not be better performed by the courts."

Discuss.

6. Is the judgment of the House of Lords in *O'Reilly v Mackman* still a helpful guide to the question of the circumstances in which a claimant will be required to raise public law arguments only in the context of judicial review proceedings?

7. Assess the proposition that the principle of proportionality has long been operating covertly in English administrative law under the label of irrationality.
  
8. To what extent would you agree with the proposition that the principle of a `substantive legitimate expectation' has long been recognised de facto in English administrative law by the principle of estoppel?

END OF PAPER