



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE EXPRESSWAY,**  
**JABI, ABUJA**  
**FACULTY OF LAW**  
**JULY 2017\_1 SEMESTER EXAMINATION**

**COURSE CODE: LAW 444**  
**COURSE TITLE: ADMINISTRATIVE LAW 1I**  
**COURSE UNIT: 4 UNITS**  
**TIME ALLOWED: 2 ½ HOURS**  
**INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)**

1. The Free Housing for All Act (2015) provides that the Chief Executive of all local authorities in the state of Kashi has the power 'to sell state owned houses to tenants who fulfilled the necessary criteria'. The criteria include holding a tenancy for at least 5 years during which the tenant must have been a Kashi resident and paid rent regularly. The government of Kashi also set up a panel of 8 civil servants working in the state to take the decision. Animashaun who has been a tenant for over two decades made an application under the Act. She is one of the first to make an application but received no response from the panel. Six months after the Act had come into effect, the Prime Minister who belonged to the Trutalk party, informed the committee that the policy should be changed and limited to certain wards where Trutalk party members reside. Ahmed, also a tenant, applied. His application was turned down on the ground that the policy is to sell homes to residents living within designated wards. Unfortunately, Ahmed lives in a ward where elections are always won by the opposition party. When Ahmed found out why his application was turned down, he gathered a group of persons and named the group 'Right to Equity Group' who began to campaign to expose the state's policy. The group applied to the local police for a permit to stage a demonstration outside the local town hall. The application was turned down on the grounds that the group 'has nothing to protest about'. Further Ahmed, is arrested by the police and was in detention for 48 hours before he was released.

**Advise, Animashaun, Ahmed and the Right to Equity group on the grounds upon which they can apply for a judicial review.**

2. Explain in the following situations if there would be a successful judicial review.

- i. A government minister wishes to repeal an old law. He has not consulted relevant bodies which are affected by the proposals, before introducing new regulations.
  - ii. A government minister is given power to make regulations concerning legal funding. He has now introduced a regulation on immigration.
  - iii. A government minister has made regulations which are argued to be unreasonable.
3. The Minister of Works in Tandi state issued a Letter of Intent to Sands Engineers indicating that the government was prepared to enter into a contract with Sands Engineer in respect of the construction and maintenance of certain roads. Mr. Bosun who is the leader of the opposition in Tandi State claimed that Sands Engineering was ultimately owned and controlled by the Minister and that its leaders had taken part in Cabinet deliberations relating to the same project and that therefore, the awards to Sands Engineering was improper, unfair and tainted with bias. **Discuss all the legal issues in this case and remedies, (if any).**
4. Your father is an officer in the Navy. He has approached you to advise him on his rights in the following case against him. He has been brought before a Tribunal in his work place with two other officers for offences ranging from theft of the naval vessels to conduct prejudicial to service discipline in the navy. The court martial inaugurated a tribunal to hear his case. He has raised an objection to the composition of the panel as the chairman of the Panel is the officer that wrote a complaint against him instigating the offence. He explained to the chairman that the panel head is bias. However, the Chairman overruled this objection. The Tribunal in their decision, advised the Board to dismiss him from service or otherwise, a reduction from the rank of senior officer to a junior in the office. Being aggrieved by the decision of the tribunal, he appealed to the lower court where the court unanimously dismissed the appeal and affirmed the decision of the tribunal. **He has decided to further appeal to the higher court and has approached you to advise him on the possible issues to be raised. Advice him.**
5. With reference to your knowledge of delegated legislation, describe the legislative control over delegated legislation and discuss the effectiveness of the control over delegated legislation.
6. Kanu and Waheed are officers of the Nigerian Police Force. They have been charged before the Police Disciplinary Council for bribe taking. CSP Wewe, the Chairman of the Council, is the father of the ex-wife of Kanu, who was divorced by Kanu in acrimonious divorce proceedings. Kanu and Waheed reluctantly appeared before the Council whose proceedings were hastily concluded. Meanwhile, Waheed who is into import business, applied for import license from the Minister of Finance, and after several reminders and

demands, is yet to get the license. However, the Minister is under a duty to grant the application, if Waheed complies with all the requirements. **Advise Kalu and Waheed of the possible remedies available to them, if any.**