



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 443
COURSE TITLE: ADMINISTRATIVE LAW 1
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. Ayo obtained from the 1st defendant bank, a loan of ₦40, 000.00. In order to secure the loan, it executed two deeds of mortgage and sought consent to the mortgage as provided by *Section 21(b) of the Act*. Now, *Section 45 of the Land Use Act* provides that:

"45(1) The Governor may delegate to the State Commissioner all or any of the powers conferred on the Governor by this Act subject to such restrictions, conditions and qualifications, not being inconsistent with the provisions or general intendment of this Act as the Governor may specify.

(2) Where the power to grant certificate has been delegated to the State Commissioner, such certificates shall be expressed to be granted on behalf of the Governor."

He has now obtained a letter of approval for transaction signed by the Acting Chief Lands Officer of his State on behalf of the Governor of the State. Based on your knowledge of the doctrine of *delegatus non potest delegare*, with the aid of case law, advice Ayo, guided by the following questions:

- i. What is the doctrine of *delegatus non potest delegare*?
 - ii. The effect of an action taken without proper delegation?
 - iii. Whether there is non delegation?
 - iv. What are the necessities of sub-delegation?
2. The growth of administrative law is to be attributed to the change of philosophy as to the role and function of the State. Discuss this statement in the light of the development of administrative law.

3. One of the problems of administrative law is how to draw the distinction or where to draw the line between the functions which are legislative, judicial and administrative so as to determine the appropriate procedure for exercising a given function. Explain the various attempts to distinguish between the different classes of functions.
4. As an Administrative law student, discuss the various controls of delegated legislation, describe court controls over delegated legislation and in particular, discuss the effectiveness of both controls over delegated legislation.
5. Critically analyse the various definitions of administrative law. In your opinion, which is most applicable?
6. Write short notes on the following:
 - a. Parliamentary supremacy
 - b. Rule of law.