

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCE
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAM
LEVEL 5
LLU5709 ADMINISTRATIVE LAW
1ST CONTINUOUS ASSIGNMENT TEST-2022/2023
DURATION ONE (01) HOUR



DATE: 22nd SEPTEMBER 2023

TIME-01:30 PM-02:30 PM

Answer one (01) question only.
Illegible handwriting will be penalized.

1. The Tourism Board is a statutory body established under the Tourism Board Act. The Board has the power inter alia to register, regulate and supervise the activities of tourist enterprises. Section 10 of the Act states that the “tourism board is empowered to register the hotels and other accommodations under the Tourist Board only after obtaining report of the technical committee which is established under the Act.” The Act further states that the decision of the Board is final and conclusive.

Rumesh forwarded an application to the board to register his newly constructed guest house under the Tourist Board. The Board rejected his application without obtaining report from the technical committee stating that the ‘guest house’ did not fall within the definition of ‘hotels and other accommodations’ under the Act. Rumesh alleged that his application was refused since he was a member of the opposition political party.

Rumesh seeks your advice as to the grounds on which he could successfully challenge the decision of the Board.

- (a) Advise him with relevant Administrative Law principles and case laws. **(14 marks)**
 - (b) Would your answer be different if the tourist board made the same decision after obtaining a report from the technical committee? Support your answer with relevant evidence. **(06 marks)**
2. “There is a growing literature concerning the role of the *ultra vires* doctrine and its place within administrative law. For some the doctrine is the central principle of administrative law, without which judicial intervention would rest on uncertain foundations. For others, it constitutes at best a harmless fiction, which is incapable of explaining all instances of judicial intervention, and at worst a device which allows the judiciary to conceal the real justifications for developments in judicial review.”

Craig P, “Ultra Vires and the Foundations of Judicial Review” (1998) 57 the Cambridge Law, Journal 63

In light of the above statement answer the following questions

- (a) Discuss the meaning of doctrine of *ultra vires* under Administrative Law with relevant examples. **(08 marks)**
- (b) Critically examine how the doctrine of *ultra vires* ensures the legality of administrative action in Sri Lanka. You should support your answer with relevant case law and contemporary examples from Sri Lanka. **(12 marks)**

-Copyrights reserved-