

THE OPEN UNIVERSITY OF SRI LANKA  
LL.B. DEGREE PROGRAMME – LEVEL 5

1<sup>st</sup> ASSIGNMENT TEST – 2008 / 2009

ADMINISTRATIVE LAW – LWU 3311

DURATION - 40 minutes



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Date: 13<sup>th</sup> October 2008

Time: 10.00 – 10.40 a.m.

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Illegible handwriting will be penalized.

Answer one question only.

1. "Principles of the law are divided into (a) procedural law, and (b) Substantive law. Opinion can sometimes vary on classifying a given principle of law as procedural or as substantive because the basis of the distinction between procedural law and substantive law is not yet settled "

(Sunil F. A. Cooray, *Principles of Administrative law in Sri Lanka*, page 81).

Discuss this statement in the light of the doctrine of ultra vires.

2. The Parliament of Serendib passed a Country Planning Act to regulate the construction of residential and commercial buildings within the limits of urban areas. Assessment Officers appointed by the Minister under this Act are required to use their powers and discretion to fulfill its objective. These objectives are to inspect building plans, ensure that they conform to the relevant rules and thereafter issue licenses for residential and commercial buildings.

Mr. Silva the Assessment Officer of the Lunugama Municipal Council approved a six storey residential apartment building for Fernando, one of his relatives. However, Assessment Officers are authorized to approve only buildings of up to three stories under the Act.

The Airport Authority of the nearby airport objects to the decision taken by Mr. Silva on the ground that the approved building is situated close to the high security zone and threatens the safety of aircraft landing at and taking off from the airport. The Authority intends to challenge the decision of Mr. Silva.

Advise the Authority.