



Judicial Review of Administrative Action and Redress of Grievances

**Elective
Past
Papers**

LL.B. II





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ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

UNIVERSITY OF MALTA

FACULTY OF LAWS

DEPARTMENT OF PUBLIC LAW

ADMINISTRATIVE LAW – LL.B. SECOND YEAR

PBL2012 - JUDICIAL REVIEW OF ADMINISTRATIVE ACTION AND THE REDRESS OF GRIEVANCES

THURSDAY 6TH JUNE, 2013

9.15AM – 10.15AM

ANSWER ONE (1) QUESTION WHICH CARRIES 100% OF THE MARKS.

1. Critically discuss the grounds on which the courts of justice of civil jurisdiction may exercise judicial review when an administrative act is *ultra vires* in terms of section 469A of the Code of Organization and Civil Procedure (Cap. 12, Laws of Malta) and decided judgments.
2. What procedural requirements must be satisfied in order for a section 469A action to be valid in terms of the requirements set out by law?
3. “The Court is not a court of appeal which considers the correctness of a decision but a supervisory court reviewing legality.” [Alder John, Constitutional and Administrative Law, Palgrave Macmillan, 7th Edition, 2009]. Analyse this statement in the light of the powers granted to the courts of civil jurisdiction in terms of law to exercise judicial review.

UNIVERSITY OF MALTA
FACULTY OF LAWS
ADMINISTRATIVE LAW – LL.B. Hons. II YEAR

JUDICIAL REVIEW OF ADMINISTRATION ACTION AND THE REDRESS OF GRIEVANCES [PBL2012]
JANUARY 2014

Thursday 30th January, 2014

9.15am – 10.15am

ANSWER ONE (1) QUESTION WHICH CARRIES 100% OF THE MARKS.

1. "The rules of natural justice thus operate as implied mandatory requirements, non-observance of which invalidates the exercise of the power" ["Administrative Law", Wade & Forsyth, 10th Ed., 2009]. Discuss.
2. To what extent may the ordinary courts of civil jurisdiction exercise a supervisory jurisdiction of judicial review over administrative acts?
3. Define the term "administrative act" as provided for in section 469A of the Code of Organisation and Civil Procedure (Cap. 12, Laws of Malta) and as interpreted in judgments delivered by the Maltese Courts.

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS. II YEAR
PBL 2012 – JUDICIAL REVIEW OF ADMINISTRATIVE ACTION AND
THE REDRESS OF GRIEVANCES

Wednesday 28th January, 2015

9.15am – 10.15am

Answer one question from the following. Every question carries equal marks.

1. *"When a public authority has failed to observe the principles of natural justice or mandatory procedural requirements in performing the administrative act or in its prior deliberations thereon", is one of the grounds of ultra vires in terms of section 469A(1)(b)(ii) of Chapter 12 of the Laws of Malta. Critically discuss this ground of ultra vires, with particular reference to decided cases by the Maltese courts.*
2. Examine critically the procedural requirements that need to be observed in order for an action for judicial review in terms of section 469A of Chapter 12 (Laws of Malta) to be valid at law.
3. *"A person aggrieved by the exercise of a discretionary power may, instead of attacking the merits of the exercise of the discretion, contend that the repository of the discretion has acted without jurisdiction or ultra vires because of the non-existence of a state of affairs upon which the validity of the discretion depends." (De Smith & Evans, "Judicial Review of Administrative Actions", 4th Ed.). Analyse this statement in the context of an action for judicial review of an administrative action.*

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS II YEAR
JANUARY 2016 EXAMINATIONS

**Examination: PBL 2012 Judicial Review of Administrative Action and
the Redress of Grievances**

Date: Thursday 28th January 2016

Reading Time : 10.00am-10.05am

Duration of Examination 10.05am-11.05am

**Answer ONE question from the following. Every question carries equal marks
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1. Explain the ground of review relating to abuse of power by a public authority under art 469A of the Code of Organization and Civil Procedure (Cap 12). Illustrate your answer with reference to Maltese decided cases.

2. Describe the rules of natural justice and the ground of review of *procedural ultra vires*, their extent of application and the bodies which are bound by such rules.

3. Explain the difference between *appeal* and *review*, and describe the procedure established to commence an action for judicial review under art. 469A of the Code of Organization and Civil Procedure (Cap 12)



L-Università
ta' Malta

FACULTY OF LAWS
DEPARTMENT OF PUBLIC LAW
FEBRUARY 2021 EXAMINATION SESSION

PBL2012 JUDICIAL REVIEW OF ADMINISTRATIVE ACTION AND THE REDRESS OF GRIEVANCES
Thursday 4th February 2021

Examination time: 08:30 – 9:30 + 15 extra minutes for uploading/downloading.

In case of difficulty during the examination (issues with exam paper, electricity power cut, internet connection, etc), you may contact the Faculty of Laws on the following:

Telephone : 2340 3251; 2340 3752

Email: laws@um.edu.mt

Please note that for immediate feedback it is best to communicate using telephone. Use email only if there are circumstances when the use of telephone is not possible.

Keep your mobile phone handy since important communications during the examination may be communicated by the University through SMS.

By sitting for this examination, I declare that I am aware of the provisions of the regulations regarding conduct during examinations and I pledge to observe them.

Students may not obtain or seek to obtain advantage in an examination, or give or endeavour to give assistance to other students. Students who are found guilty of a breach of the University Assessment Regulations are liable to disciplinary action which may result in the examination being cancelled and other consequences.

Students may be subject to an additional oral examination to safeguard against plagiarism, collusion or other misdemeanours.

With regard to FLOWmulti examinations, you are advised to type directly on WISEflow (and not on MS Word intending to copy and paste on WISEflow).

With regard to FLOWassign examinations, you are advised to upload your work in PDF format.

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INSTRUCTIONS TO STUDENTS:

Choose ANY **ONE (1)** from the following TWO (2) Questions. All Questions carry equal marks.
Word count is **1,200 words ONLY**, longer essays will not be fully read.

1. Quoting judgments of the Maltese courts, explain under what circumstances a person can sue for damages by means of article 469A COCP.

OR

2. 'The rules of Natural Justice are not defined in article 469A COCP': explain and discuss.