

SUBJECT AND QUESTIONNAIRE
SUJET ET QUESTIONNAIRE

SUBJECT OF THE COLLOQUIUM

The power of the Courts - both superior and inferior Courts and of bodies exercising quasi-judicial functions - to award damages in administrative actions.

QUESTIONNAIRE

1. Introduction
2. What is meant by the term "administrative action"?
(Klote: for the purposes of the paper it is intended that the term shall include all actions by or against public authorities, whether Departments of the central Government, or local authorities, and their servants and officials).

3. In what Courts or Tribunals exercising quasi-judicial functions can administrative actions be brought?

Are there specialised administrative Courts or Tribunals which alone have jurisdiction to hear and determine administrative actions, or are the ordinary Courts competent to hear such actions?

Are there any special rules of procedure which are applicable only in administrative actions?

Liability of Public Authorities and their servants or agents in tort

4. What is the liability of public authorities to pay damages for torts committed by it or its servants, causing injury?
 - (a) What are the general principles governing such liability?
 - (b) Are public authorities liable to pay damages for torts committed by its servants?
 - (c) Are such servants personally liable?
 - (d) If the public authority is acting under statutory authority, is it liable to pay damages or compensation for injury caused?
 - (e) Can a public authority be made liable for the non-exercise of its powers and duties by itself or officials, and if so, in what circumstances?
 - (f) Can a public authority be made liable for delay in exercise of its powers and duties, and if so, in what circumstances?
 - (g) Can a public authority be made liable for the *mala fide* exercise of its powers and duties?
 - (h) Can a public authority be made liable for the negligent carrying out of its powers and duties?
 - (i) What are the general principles?
 - (ii) Can it be made liable for the negligent exercise of discretionary powers?
 - (iii) Are there any cases peculiar only to public authorities, in which they can be made liable for the acts omissions of itself or its servants?
 - (i) Has a public authority any immunity from actions for damages or compensation for tortious acts committed by itself or its servants. If so, what are such limits?

Liability of Public Authorities in contract

- (a) What are the general principles on which public authorities and/or their servants can be made liable in contract?
- (b) Are there special cases in which public authorities have immunity from actions or in which there are special rules eg actions by members of the armed forces or by public servants?

Immunity of Public Authorities for 'Acts of State'

Liability of Public Authorities to pay damages or compensation where no tort or breach of contract has been committed, and where all acts or omissions are lawful.

Special position of the Crown.

Liability of Public Authorities to pay damages or compensation where their acts or omissions are brought before the Courts for judicial review.

In the event of Public Authorities being ordered by the Courts to pay damages or compensation what steps (if any) can be taken to compel payment, if necessary?