

Comparative Administrative Law (CAL)

Prof. Dr. Felix Uhlmann

Chair of Constitutional Law, Administrative Law and Legislation
Centre for Legislative Studies



University of Zurich

Spring 2022

Legitimate Expectations



Legal Sources



Legitimate Expectations

General questions

1. What are "legitimate expectations" (categories, e.g. formal in substance; prerequisites, e.g. basis, good faith, action, damage etc.)?
2. How do legitimate expectations differ from other administrative law principles (reasonableness, proportionality etc.)?
3. Should legitimate expectations be accepted as an administrative law principle? If so to what extent? What are the likely consequences (and dangers) of such a doctrine?



Legitimate Expectations: Chiu Teng @ Kallang Pte Ltd

Chiu Teng @ Kallang Pte Ltd v Singapore Land Authority [2013] SGHC 262

- Case Number** : Originating Summons No 457 of 2013
- Decision Date** : 27 November 2013
- Tribunal/Court** : High Court
- Coram** : Tay Yong Kwang J
- Counsel Name(s)** : Alvin Yeo SC, Lim Wei Lee, Lionel Leo and Edmund Koh (WongPartnership LLP) for the applicant; Edwin Tong, Kristy Tan and Peh Aik Hin (Allen & Gledhill LLP) for the respondent; Aurill Kam, Lim Wei Shin, Terence Ang and Leon Ryan (Attorney- General's Chambers) for the Attorney-General.
- Parties** : Chiu Teng @ Kallang Pte Ltd — Singapore Land Authority

Administrative Law – Judicial review



Legitimate Expectations: Piano Teacher Case

Questions to the Decision

1. What principles should be taken into account in a case of legitimate expectation?
2. On which of these principles is the court's argumentation based?
3. Do you agree with the argumentation?



Good Administration



Good Administration



Good Administration: Article 41 EU-CFR

Article 41

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.
2. This right includes:
 - (a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - (b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - (c) the obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.



Good Administration: Article 41 EU-CFR

Questions to the Article

1. What are the advantages and disadvantages of codifying the right to good administration as a fundamental right?
2. Do you think there is something missing in the article that you think would be for “good administration”?
3. Are there further guarantees codified as fundamental rights in your country to ensure “good administration”?



Good Administration: European Ombudsman Annual



Good Administration: Article 41 EU-CFR

Questions to the Report

1. What is in the report considered as “good administration”?
2. Do you agree with that?
3. What else would you understand under “good administration”?

