

UNIVERSITY OF SWAZILAND
Faculty of Health Sciences



DEGREE IN ENVIRONMENTAL HEALTH

FINAL EXAMINATION PAPER JULY 2018

TITLE OF PAPER	:	Environmental Law
COURSE CODE	:	EHS 214
DURATION	:	2 HOURS
MARKS	:	100
INSTRUCTIONS	:	READ THE QUESTIONS & INSTRUCTIONS CAREFULLY
	:	ANSWER ANY FOUR QUESTIONS
	:	EACH QUESTION CARRIES 25 MARKS
	:	WRITE NEATLY AND CLEARLY
	:	NO PAPER SHOULD BE BROUGHT INTO THE EXAMINATION ROOM
	:	BEGIN EACH QUESTION ON A SEPARATE SHEET OF PAPER

DO NOT OPEN THIS QUESTION PAPER UNTIL PERMISSION IS GRANTED BY THE INVIGILATOR.

QUESTION ONE

- 1.1 Discuss the branches of law that fall under Public law. [6]
- 1.2 With the aid of examples, distinguish between International Environmental law and National Environmental law and state the relationship between the two. [6]
- 1.3 Discuss the following sources of law:
(a) Customary law
(b) Common law. [6]
- 1.4 What are the principal laws that regulate environmental protection in Swaziland? [4]
- 1.5 Name the principal regulatory body that administers environmental laws in Swaziland? [3]

QUESTION TWO

Drawing from relevant environmental law framework legislation and case law where necessary, discuss the following terms:

- (a) Polluter Pays Principle [5]
- (b) Precautionary Principle [5]
- (c) Duty of care [5]
- (d) Sustainable Development. [10]

QUESTION THREE

- 3.1 What is waste management? [3]
- 3.2 State the general prohibition on the import, export and trade in waste and the import of hazardous waste into Swaziland, in terms of the Waste Regulations, 2000? [5]
- 3.3 Under what circumstances may the Minister of Tourism and Environment designate an area as a waste control area? [4]
- 3.4 What is the rationale for the requirement for an effluent control permit in terms of Section 62 of the Water Act, 2003? [5]
- 3.5 State where the following types of waste must be disposed of:
- (a) Commercial or industrial waste produced in urban areas [1]
 - (b) Household waste produced in an urban area [2]
 - (c) Household waste produced in waste control area [2]
 - (d) Clinical waste. [3]

QUESTION FOUR

- 4.1 Define the term nuisance. [3]
- 4.2 State the general prohibition in relation to nuisance in terms of The Public Health Act, 1969. [2]
- 4.3 List any five (5) conditions or activities that constitute nuisance in terms of The Public Health Act, 1969. [10]
- 4.4 State the obligations of local authorities regarding nuisances relating to water supply. [5]

4.5 Explain the concept of Food Pollution (Adulteration) and its health effects. Your explanation should also include its implications in accordance with The Public Health (Food Hygiene) Regulations, 1973. [5]

QUESTION FIVE

As a student of Environmental Health Law you are approached for advice by your relative BhekiweNgwenyawho wishes to establish a textile manufacturing company in Matsapha to be known as BN Textiles (Pty) Ltd. Bhekiwe informs you that in carrying out its activities, BN Textiles will produce significant amounts of industrial effluent (liquid) which will have to be disposed of into a nearby watercourse.

- (a) What legal requirements need to be met by Bhekiwe before effluent can be disposed into the nearby watercourse? [10]
- (b) State the general prohibition and duty imposed on persons like Bhekiwe operating textile manufacturing company [4]
- (c) What are the consequences of water pollution on human health and on flora and fauna? [6]
- (d) What is the significance of water pollution control? [5]