



UNIVERSITY OF SWAZILAND

Faculty of Health Sciences

Department of Environmental Health Science

BACHELOR OF SCIENCE DEGREE IN ENVIRONMENTAL HEALTH SCIENCE

MAIN EXAMINATION PAPER MAY 2019

TITLE OF PAPER : ENVIRONMENTAL HEALTH LAW

COURSE CODE : EHS214

DURATION : 2 HOURS

MARKS : 100

INSTRUCTIONS : READ THE QUESTIONS & INSTRUCTIONS CAREFULLY

: ANSWER **ANY FOUR** QUESTIONS

: EACH QUESTION **CARRIES 25** MARKS.

: WRITE NEATLY & 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. What is environmental health law? [2 marks].
2. Pin point the factors that gave rise to development of environmental health law? [5 marks].
3. What is the purpose(s) of an environmental health law? [4 marks].
4. Define the following terms relating to environmental health law
 - a. Law [2 marks].
 - b. Judiciary [2 marks].
 - c. Health [2 marks].
 - d. Constitution [2 marks].
 - e. Coram [2 marks].
 - f. Amicus Curiae [2 marks].
 - g. Appellant [2 marks].

Total 25 marks

QUESTION TWO

1. Based on the Eswatini Environment Authority Act, (1992), provide the legal meaning of the term environment. [6 marks].
2. Explain why is it important to have a legal meaning of the term environment? [6 marks].
3. Identify all the constitutional provisions enshrined in the constitution of Eswatini concerning the environment. [13 marks].

Total 25 marks

QUESTION THREE

1. Apart from the Eswatini Environment Authority Act, 1992, identify any seven legislative frameworks for protecting the environment in Eswatini. [7 marks].
2. What is the purpose of the Eswatini Environmental Management Act, (2002)? [4 Marks].
3. Enumerate the principles applied in achieving the Environmental Management Act, (2002). [14 marks].

Total 25 marks

QUESTION FOUR

1. Before a trial can start, the litigants must establish that they have locus standi. Explain what is meant by locus standi and indicate the criteria of determining it citing one example case. [10 marks].
2. Dynamic Manufacturers (Pty Ltd and Exotic Fertilizers (Pty) Ltd both operate factories on a particular piece of land in Matsapha. There is a significant amount of pollution on the land in question which has been caused by the activities of both factories. On the 10th August 2018, the Matsapha Town Council issues a directive in

terms of **Part III sections 12, 13 and 14 of The Public Health Act, no. 5 of 1969** requiring Dynamic Manufacturers (Pty Ltd) to take extensive measures to rehabilitate the land in question. Dynamic Manufacturers (Pty Ltd, however, refuses to comply with the directive. They subsequently receive a letter from the Manzini Town Council which states that if they do not comply with the directive, the Council will itself take the necessary measures to rehabilitate the land in question and will recover the full cost from Dynamic Manufacturers (Pty Ltd). Dynamic Manufacturers (Pty Ltd) want to know whether the Council is entitled to do this. Advise them fully on the legal position and legal frameworks applicable to this matter. 15 marks.

Total 25 marks

QUESTION FIVE

- a. Discuss the ways of identifying environmental problems. [12 marks].
- b. Explain how environmental problems occur. [13marks].

Total 25 marks

END OF EXAMINATION