

**UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2007**

**TITLE OF PAPER : ADMINISTRATIVE LAW**

**COURSE CODE : L205**

**TIME ALLOWED : THREE (3) HOURS**

**INSTRUCTIONS: (1) ANSWER ALL QUESTIONS**

**(3) MARKS FOR QUESTIONS OR PARTS OF A QUESTION ARE SHOWN IN BRACKETS.**

**THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

### **QUESTION 1**

Discuss the functions and jurisdiction of the office of the Ombudsman. Highlight the problems obtaining in most African countries which renders the performance of this office to be far below par.

**[25 marks]**

### **QUESTION 2**

During the prosecution of a criminal trial the Court is equipped with an interpreter for interpreting and / or translating whatever is said in the course of the proceedings as between the prosecutor and his witness(es), the presiding officer, the accused person, as well as the accused's attorney. In all cases, in the context of Swaziland, the official court language is English, although all the parties may be Swazis who understand and speak Siswati fluently. In such cases presiding officers, in an effort to prevent lengthy proceedings and to curtail monotony, tend to record directly the representations of the accused or witnesses from their mouth even before the interpreter interprets the representations to the presiding officer. This is particularly so because the presiding officer understands everything that is being narrated and, therefore, sees no need to wait for the interpreter before proceeding with his recording.

Is this conduct by the presiding officer wanting? If so, in what way? What are the remedies if any, available to the accused person should the outcome of the proceedings go against him or her?

**[25 marks]**

### **QUESTION 3**

Discuss the sources of bias. Your answer must be fully substantiated with case law.

**[25 marks]**

### **QUESTION 4**

Write short notes on the following:

- a) The difference between powers and duties. {5 marks}
- b) Ulterior purpose and ulterior motive {5 marks}
- c) Unlawful fettering {5 marks}
- d) "Acting under dictation" {5 marks}
- e) "Passing the buck" or unlawful referral. {5 marks}

**Total:[25 marks]**