

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

TITLE OF PAPER : ADMINISTRATIVE LAW

COURSE CODE : L 205

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER FOUR (4) QUESTIONS.**
- 2. ALL QUESTIONS CARRY EQUAL MARKS.**

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QUESTION 1

Public Participation in administrative matters is best understood by reference to the political theory of civil republicanism. Discuss fully.

[25 MARKS]

QUESTION 2

The office of the Ombudsman is the hallmark of a democratic state whose aim is to curb government maladministration. Critically evaluate this statement making reference to authorities.

[25 MARKS]

QUESTION 3

In the remote Maloma area, Mr. Long-Legs Page runs a thriving dairy farm. He employs thirty farm labourers who recently sought to engage him in negotiation for a 10% wage raise Mr. Page did not meet with his labourers but wrote to them in Afrikaans and offered them a 5% wage raise. He gave his labourers 24 hours over the Easter holidays within which to respond to his offer. When they did not respond, Mr. Page refused to discuss the matter further this financial year claiming that the labourers had waived their rights to fairness by failing to accept the offer he had made within the stated time. The labourer in question are simple, unsophisticated, illiterate people who speak Siswati. The labourers approach you for advice.

[25 MARKS]

QUESTION 4

The institution of the Ombudsman is one of the most important in any modern state. In light of the fact that the Constitution of Swaziland does not make provision for the office of the Ombudsman the individual in Swaziland has nowhere to turn for assistance in limiting and controlling the power of the state. Do you agree? Give reasons for your answer citing relevant authorities.

[25 MARKS]

QUESTION 5

Write short notes on the following:

- (a) Costs Orders (10 marks)
- (b) Interdictum de libero homine exhibendo (10 marks)
- (c) Spoliation Orders (5 marks)

[25 MARKS]