

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION APRIL/MAY 2009**

**TITLE OF PAPER** : **ADMINISTRATIVE LAW**

**COURSE CODE** : **DL 033**

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

**INSTRUCTIONS** : **1. ANSWER ANY FOUR (4) QUESTIONS**  
**2. ALL QUESTIONS CARRY EQUAL MARKS**

**TOTAL MARKS** : **100**

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### QUESTION 1

Is it a statement of fact that Administrative Law is concerned with the controls over the powers and procedures of governmental and semi-governmental authorities? Discuss.

(25 marks)

### QUESTION 2

May the legislature, executive and the judicial arms of government encroach on each others domain under the Swaziland Constitution Act No.1 of 2005. Discuss.

(25 marks)

### QUESTION 3

Discuss each of the following:

- (i) *Ne bis in idem* (5 marks)
- (ii) *Delegatus non potest delegare* (5 marks)
- (iii) *Audi alteram partem* rule (5 marks)
- (iv) *Interdictum de libero homine exhibendo* (5 marks)
- (v) *Stare decisis* (5 marks)

(25 marks)

### QUESTION 4

*Nemo debet esse iudex in sua propria causa* is one of the corner stones of the rule of natural justice. Discuss.

(25 marks)

### QUESTION 5

Democracy is a *nebulous* concept. Discuss this adage with regard to the Tinkhundla system of governance in Swaziland.

(25 marks)

**QUESTION 6**

**Can the State be held liable for the acts of public officials and administrative agencies. Discuss.**

**(25 marks)**