

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
MAIN EXAMINATION PAPER – MAY 2011

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| TITLE OF PAPER | : | ADMINISTRATIVE LAW |
| COURSE CODE | : | DL033 |
| TIME | : | THREE (3) HOURS |
| INSTRUCTIONS: | | 1. ANSWER ANY FOUR (4) QUESTIONS 2. ALL QUESTIONS CARRY EQUAL MARKS |
| TOTAL MARKS | : | 100 |

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION TO DO SO HAS BEEN GRANTED BY THE INVIGILATOR

Question 1

The appellants, the Association of Civil Service Union, a union official and five civil servants employed at the Ministry of Justice, applied for judicial review of the Minister of Justice's instruction to be set aside, in that the Minister had acted unfairly in removing the fundamental rights to belong to a trade union without consulting them. Discuss the ground for the review with reference to decided cases.

[25 Marks]

Question 2

May the legislature, executive and the judicial arms of government encroach on each other's domains under the Swaziland Constitution Act No. 1 of 2005? Discuss

[25 Marks]

Question 3

Discuss each of the following topics:

- i. Cross examination [5 Marks]
- ii. Publication of law [5 Marks]
- iii. The interdictum de libero homine exhibendo [5 Marks]
- iv. Stare decisis [5 Marks]
- v. Interdict [5 Marks]

[25 Marks]

Question 4

The Tinkhundla system of Government in Swaziland has catapulted the country into a full-fledged democracy. Do you agree? Discuss.

[25 Marks]

Question 5

The audi alteram partem rules are common-law rules setting out minimum standards of justice and fairness. Discuss referring to case law.

[25 Marks]