

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DIPLOMA IN LAW**  
**MAIN EXAMINATION PAPER – MAY 2012**

102

<b>TITLE OF PAPER</b>	<b>:</b>	<b>ADMINISTRATIVE LAW</b>
<b>COURSE CODE</b>	<b>:</b>	<b>DLO42</b>
<b>TIME</b>	<b>:</b>	<b>THREE (3) HOURS</b>
<b>INSTRUCTIONS</b>		<b>1. ANSWER ANY FOUR (4) QUESTIONS</b> <b>2. ALL QUESTIONS CARRY EQUAL MARKS</b>
<b>TOTAL MARKS</b>	<b>:</b>	<b>100</b>

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

**Question 1(a)**

What is the main concern, nature and scope of judicial review, discuss.

[15 marks]

**(b)**

Differentiate between a review and an appeal under the judicial control of administrative action.

[10 marks]

[25 marks]

**Question 2(a)**

Define the term "ultra vires".

[5 marks]

**(b)**

Critically discuss Lord Diplock's reformulation of the grounds for judicial review.

[10 marks]

**(c)**

Discuss and distinguish the difference between procedural ultra vires and substantive ultra vires.

[10 marks]

[25 marks]

**Question 3**

Discuss each of the following topics:-

- |       |  |            |
|-------|--|------------|
| (i)   | Interdict                                  | [5 marks]  |
| (ii)  | Ouster clauses                             | [5 marks]  |
| (iii) | The interdictum de libero homine exhibendo | [5 marks]  |
| (iv)  | Ulterior motive                            | [5 marks]  |
| (v)   | Mandamus                                   | [5 marks]  |
|       |  | [25 marks] |

**Question 4**

One of the rules of natural justice is the audi alteram partem rule. Discuss.

[25 marks]

**Question 5(a)**

What does locus standi in judicio mean?

[5 marks]

**(b)**

Discuss the requirements of locus standi in judicio as an obstacle of judicial review.

[20 marks]

[25 marks]