

UNIVERSITY OF SWAZILAND

158

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION

JULY 2012

TITLE OF PAPER: ADMINISTRATIVE LAW

COURSE CODE: L205

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS:

- (a) ANSWER ANY FOUR QUESTIONS.**
- (b) EACH QUESTION CARRIES A TOTAL OF 25 MARKS.**
- (c) THE CONTENT OF YOUR ANSWERS, CLARITY OF EXPRESSION AND LEGIBILITY OF YOUR HANDWRITING ARE ALL EXTREMELY ESSENTIAL.**

DO NOT OPEN THIS PAPER UNTIL SO PERMITTED BY THE INVIGILATOR.

Question One

The maxim *delegatus non potest delegare* is central to administrative law. Discuss.

(25 Marks)

Question Two

Ouster clauses work to deprive the courts of jurisdiction to hear and review matters brought before them, yet in practice, courts do not simply stick to the letter of the exclusionary clause. Critically discuss this point, relying on local legislation and case law from both our jurisdiction and the region.

(25 Marks)

Question Three

You are in a taxi to Mbabane when a fellow student strikes a conversation with you regarding King's Decrees as the only source of Administrative Law. In an essay, enlighten this fellow student on the status of King's Decrees and other sources.

(25 Marks)

Question Four

With reference to case law, discuss the doctrine of legitimate expectation in administrative law.

(25 Marks)

Question Five

- (a) The term bureaucracy is capable of many meanings. However, in the context of administrative law, it assumes a specific meaning. Define this term in that context. **(15)**
- (b) De Smith, Woolf and Jowell provide a working definition of public power. Clearly articulate the definition advanced by these authors. **(10)**

(25 Marks)