

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DIPLOMA IN LAW

SUPPLEMENTARY EXAMINATION PAPER – JULY 2013

TITLE OF PAPER : ADMINISTRATIVE LAW II

COURSE CODE : IDE – DL042

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

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

TOTAL MARKS : 100

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 and or explain the meaning of 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

- (i) Ulterior motive [5 marks]
- (ii) Mandamus [5 marks]
- (iii) Cross examination [5 marks]
- (iv) Legal representation [5 marks]
- (v) Sub-delegation [5 marks]
- [25 marks]

QUESTION 4

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

[25 marks]

QUESTION 5

Discuss the requirements of the locus standi in judicio as an obstacle of judicial review.
[25 marks]