

**UNIVERSITY OF SWAZILAND**

**FACULTY OF SOCIAL SCIENCE**

**DEPARTMENT OF LAW**

**FINAL EXAMINATION PAPER, MAY 2013**

**TITLE OF PAPER: ADMINISTRATIVE LAW**

**COURSE CODE: L205**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTIONS;**

- (1) ANSWER QUESTION 1 WHICH IS  
COMPULSORY AND ANY OTHER THREE  
QUESTIONS OF YOUR CHOICE**
- (2) MARKS FOR QUESTIONS OR PARTS OF A  
QUESTION ARE SHOWN IN BRACKETS**

**THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED  
BY THE INVIGILATOR**

### **Question One**

In the context of the *nemo iudex in sua causa* principle of procedural fairness, discuss what constitutes the sources of bias.

(25 marks)

### **Question Two**

Discuss the sources of administrative law in the context of Swaziland.

(25 marks)

### **Question Three**

In the case of *Johannesburg Stock Exchange v Witwatersrand Nigel Limited* 1988 (3) SA 132 (A) it was stated that '*failure to apply the mind might be shown by proof that the decision was arrived at arbitrarily or capriciously or mala fide or as a result of unwarranted adherence to a fixed principle or in order to further an ulterior or improper purpose; or that the administrator misconceived the nature of the discretion conferred upon him and took into account irrelevant considerations or ignored relevant ones*'.

Other than these factors what other more specific grounds give rise to the failure by an administrator to have applied his/her mind to a matter? Discuss.

(25 marks)

### **Question Four**

Discuss the legal and practical obstacles that any individual desiring to seek judicial review may face.

(25 marks)

### **Question Five**

Briefly discuss the following:

- (a) Laying before Parliament (5 marks)
- (b) Ouster clauses and limitation clauses (5 marks)
- (c) Review and Appeal (5 marks)
- (d) Ulterior motive (5 marks)
- (e) *Functus officio* (5 marks)

**TOTAL: [25 marks]**