

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER (MAIN)
YEAR: 2013/2014

TITLE OF PAPER : ADMINISTRATIVE LAW

COURSE CODE : L205

TME ALLOWED : THREE (3) HOURS

INSTRUCTIONS:

- (i) ANSWER ANY FOUR (4) QUESTIONS.**
- (ii) EACH QUESTION CARRIES A TOTAL OF 25 MARKS.**
- (iii) IN ANSWERING THE QUESTIONS, NOTE THAT THE QUALITY OF THE CONTENT, CLARITY OF EXPRESSION AND LEGIBILITY OF HANDWRITING ARE ABSOLUTELY ESSENTIAL.**

THIS PAPER MUST NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR(S).

QUESTION ONE

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The power of Parliament to delegate legislative power to other bodies is necessary for effective law-making. Discuss any four methods of regulating the making of delegated legislation.

[25 Marks]**QUESTION TWO**

(a) Mr Ngcobo is aggrieved by a decision of the High Court of Swaziland. He contends that the proceedings of the court were fraught with irregularities. He has approached the Supreme Court for an order reviewing the decision of the High Court. As a person of recognised competence in administrative law, advise him on his prospects of success in the Supreme Court.

[10 Marks]

(b) Write short notes on the following:

- (i) Passing the buck or unlawful referral;
- (ii) Ulterior purpose; and
- (iii) Fettering by rigidity.

[5 Marks]**[5 Marks]****[5 Marks]****[25 Marks]****QUESTION THREE**

In the democratic era, it is very difficult for an ouster clause to pass the test of constitutional justifiability. With the aid of locally decided cases, critically discuss the above statement.

[25 Marks]**QUESTION FOUR**

(a) Section 33(2) of the Constitution of the Kingdom of Swaziland Act 1 of 2005 provides as follows: '[A] person appearing before any administrative authority has a right to be given reasons in writing for the decision of that authority.' Critically discuss the justifications for giving reasons in writing for the decision of an administrative authority.

[15 Marks]

(b) Discuss the doctrine of legitimate expectation.

[10 Marks]**[25 Marks]**

QUESTION FIVE

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With reference to case law authority, critically discuss the sources of bias.

[25 Marks]