

**UNIVERSITY OF SWAZILAND**

**INSTITUTE OF DISTANT EDUCATION**

**DIPLOMA IN LAW**

**MAIN EXAMINATION PAPER – MAY 2016**

**TITLE OF PAPER : ADMINISTRATIVE LAW II**

**COURSE CODE : IDE – DL 042**

**TIME ALLOWED : THREE (3) HOURS**

**INSTRUCTIONS:**

- 1. ANSWER ANY THREE (3) QUESTIONS**
- 2. QUESTION TWO (2) IS COMPULSORY**
- 3. ALL QUESTIONS CARRY EQUAL MARKS**

**TOTAL MARKS : 100**

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### **QUESTION ONE**

- a) Discuss the functioning, procedure and process of judicial review in Administrative Law. [15 marks]
- b) Differentiate between a review and an appeal under the judicial of administrative action. [10 marks]

Total [25 marks]

### **QUESTION TWO**

The government of Swaziland practices a policy whereby workers are allowed to form themselves into unions. This is in condition they conform to all requirements demanded by government. As soon as they are registered the government of the day consults with them on any matter that concerns workers. Surreptitiously, government decides to forbid the trade union membership for the workers. Discuss.

Total [25 marks]

### **QUESTION THREE**

Discuss the following:

- a) the *interdictum de libero homine exhibendo*; [5 marks]
- b) public bodies; [5 marks]
- c) interdict; [5 marks]
- d) cross examination; and [5 marks]
- e) the right to present and controvert evidence. [5 marks]

Total [25 marks]

### **QUESTION FOUR**

- a) The applicants had assigned a letter drawing attention to the unacceptable conditions in the wards in a hospital. In response the provincial authority refused to confirm their appointments as "Senior House Officers". Discuss whether the rules of natural justice or the *audi alteram partem principle* is confined to cases where the decisions affect the liberty, property or existing rights of the individual concerned or whether the impact is wider than this.

[15 marks]

- b) The chairman of a board, who is responsible for granting and refusal of certificates, is also the director of the three large taxi companies operating in a big city; is it legally acceptable for him to be the chairman of this board? Discuss.

[10 marks]

[25 marks]

### **QUESTION FIVE**

Discuss the requirements of *locus standi in judicio* as a hindrance and or obstacle of judicial review.

[25 marks]

**END OF QUESTION PAPER**