

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

MAIN EXAMINATION PAPER – MAY - JUNE 2017

TITLE OF PAPER : ADMINISTRATIVE LAW II

COURSE CODE : IDE - DL 042

TIME ALLOWED : THREE (3) HOURS

TOTAL MARKS : 100

INSTRUCTIONS

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

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QUESTION 1

- a) Discuss the main concern, scope and nature of judicial review. [15 marks]
- b) Differentiate between a review and an appeal under the judicial control of administrative action. [10 marks]
- [25 marks]

QUESTION 2

- a) Explain the meaning of *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

Describe each of the following topics:-

- i. The *interdictum de libero homine exhibendo* [5 marks]
- ii. Public bodies [5 marks]
- iii. The right to present and controvert evidence [5 marks]
- iv. Interdict [5 marks]
- v. Cross-examination [5 marks]
- [25 marks]

QUESTION 4

The principles of natural justice are common law rules setting out minimum standards of justice and fairness which must be observed in the conduct of administrative hearings and proceedings. Do you agree? Discuss.

[25 marks]

QUESTION 5

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

[25 marks]