

---

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCES**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER**  
**YEAR: 2016/2017**

**TITLE OF PAPER : ADMINISTRATIVE LAW**

**COURSE CODE : LAW 212**

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

**INSTRUCTIONS:**

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

**DO NOT OPEN THIS PAPER UNTIL TOLD TO DO SO BY THE INVIGILATOR.**

---

### **QUESTION ONE**

One of the main components of procedural fairness is reflected in the common law maxim *nemo iudex in sua causa*. Analyse the maxim.

**[25 Marks]**

### **QUESTION TWO**

(a) List and describe three differences between appeal and review. **[12Marks]**

(b) In 2007, the Parliament of Swaziland passed the Expropriation Act which empowers the government to expropriate title deed land without compensation. Ms. Lando owns a huge farm in Siphofaneni and she is afraid that she might lose her farm if the government decides to implement the Act. She asked the High Court of Swaziland to declare the Act as invalid. The Court declined to grant the remedy she sought. On what basis do you think the Court refused to grant the remedy? **[13 Marks]**

**[25 Marks]**

### **QUESTION THREE**

(a) Discuss any three sources of bias. **[15 Marks]**

(b) Nkunzi is aggrieved by a decision that a statutory tribunal has issued against her. She is now frustrated because the enabling legislation provides that a decision of the tribunal shall be final. Advise her on the constitutionality of the provision that 'a decision of the tribunal shall be final.'

**[10 Marks]**

**[25 Marks]**

### **QUESTION FOUR**

Correcting or substituting is one of the primary remedies associated with review. Identify and discuss **four** instances in which the court will substitute its decision for that of the original decision-maker.

**[25 Marks]**

---

---

**QUESTION FIVE**

Critically discuss the advantages of referring a matter to an administrative tribunal.

**[25 Marks]**

=====END OF EXAMINATION PAPER=====