

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
SUPPLEMENTARY EXAMINATION PAPER
YEAR: 2017/2018

TITLE OF PAPER : ADMINISTRATIVE LAW

COURSE CODE : DL042

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS:

- (i) ANSWER ANY FOUR (4) QUESTIONS.**
- (ii) EACH QUESTION CARRIES 25 MARKS.**
- (iii) IN ANSWERING ANY QUESTION, NOTE THAT THE QUALITY OF THE CONTENT, CLARITY OF EXPRESSION AND LEGIBILITY OF HANDWRITING ARE ABSOLUTELY ESSENTIAL.**
- (iv) USE LEGAL AUTHORITIES TO SUBSTANTIATE YOUR ANSWERS.**

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

QUESTION ONE

Critically discuss the advantages of referring a matter to an administrative tribunal as opposed to an ordinary court of law.

[25 Marks]

QUESTION TWO

Correcting or substituting is one of the primary remedies associated with review. With reference to case law, identify and discuss **four** instances in which the High Court of Swaziland will substitute its decision for that of the original decision-maker.

[25 Marks]

QUESTION THREE

(a) With reference to decided cases, discuss any **four** sources of bias.

[25 Marks]

QUESTION FOUR

(a) Roro is aggrieved by a decision that a statutory tribunal has issued against her. She is now frustrated because she thinks that she cannot approach the High Court of Swaziland for relief because the enabling legislation provides that a decision of the tribunal shall be final. Advise her on the constitutionality or otherwise of the provision that 'a decision of the tribunal shall be final.'

[12.5 Marks]

(b) In 2012, the Parliament of the Kingdom Swaziland passed the Expropriation Act which empowers the government of Swaziland to expropriate title deed land without compensation. Lando who owns a farm at Tubungu is afraid that in future she might lose her farm if the government decides to implement the Act. She asked the High Court of Swaziland to declare the Act invalid because it is inconsistent with the Constitution of the Kingdom of Swaziland Act 1 of 2005. The Court declined to grant a remedy on the basis of one of the judicially-imposed obstacles to redress.

In the light of these facts identify and discuss the judicially-imposed obstacles on the basis of which the Court declined to grant a remedy.

[12.5 Marks]

[25 Marks]

QUESTION FIVE

Critically examine the advantages and disadvantages of giving reasons for the decision of an administrative authority.

[25 Marks]

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