



ZIMBABWE EZEKIEL GUTI UNIVERSITY

ADMINISTRATIVE LAW LB106

CONVENTIONAL EXAMINATION JUNE 2017

THREE HOURS

INSTRUCTIONS

Answer any **four** questions from this paper. Each question carries a total of **25 marks**

Only authorised material is allowed.

Question 1

Are there any justifiable circumstances under which administrative authorities should be exempted from the duty to act lawfully and reasonably?

[25 MARKS]

Question 2

- a) "The most effective way of guarding against abuse of delegated legislative powers is for the legislature carefully to spell out the scope of the powers granted, the purposes for which these powers have been given and the criteria to be taken into account when exercising these powers."

Critically discuss this view and explore other ways in which Parliament could effectively control the exercise of delegated legislative powers. [15 MARKS]

- b) When is sub-delegation of legislative powers permissible? [10MARKS]

Question 3

Critically discuss each of the following statement:

A person should only be required to exhaust internal remedies before taking the matter on review to the High Court if the internal remedy offers a reasonable prospect of correcting the original irregularity or illegality that has occurred [25MARKS]

Question 4

- a) Under what circumstances should access to government information be denied[10 MARKS]
- b) Administrative authorities must always supply reasons for their decisions. Discuss [15 MARKS]

Question 5

"The judiciary have no training in or knowledge of public administration and are ill suited to playing the role of overseer and regulator of the performance by public administrators of their duties. Additionally as judges are not elected and are not in any sense accountable, matters of public policy should be decided upon by the elected representatives of the people in Parliament and these policies should be implemented by public administrators; the courts should not be able to interfere with the implementation of such policies." Critically discuss this observation. [25MARKS]

Question 6

- a) a) When are the remedies of a interdict and a declaratory order available ?
[15MARKS]
- b) b) To allow legal representation in respect of every single administrative decision making process would bog down the administration; many such matters can be dealt with perfectly fairly without allowing legal representation. Discuss **[10 MARKS]**

Question 7

With reference to case law, explain how the courts deal with cases of alleged bias other than those where actual bias is alleged. **[25 MARKS]**