

**UNIVERSITY OF FORT HARE
NELSON MANDELA SCHOOL OF LAW
EAST LONDON CAMPUS**

**ADMINISTRATIVE LAW
ADL 121E**

**DIPLOMA EXAMINATIONS
OCTOBER/NOVEMBER 2019**

Time : 3 hours
Subject : Administrative Law
Qualification: Diploma in Local Government law and Administration
Marks: 100

This paper consists of 3 pages including the cover page

Internal Examiners

Mr. A. Katurura

Dr. A van Coller

Instructions

Answer **ALL** Questions

Refer to Relevant Case Law and Legislation

QUESTION ONE

Write a short essay in which, with reference to case law, you give an account of the various tests that have been employed by the Courts in interpreting the terms 'organ of state' and the accompanying notions of 'public power' and the 'performance of a public function'. (15 marks)

QUESTION TWO

The mayor of a town insisted on being present when liquor licence applications were being heard, despite the fact that his brother was one of the applicants. His argument was that he would only be an observer and would not take part in the actual decision making. The licence was granted to the brother.

Which rule of administrative law might have been violated in the scenario above? Explain the content of the rule. Please refer to case law. [10 marks]

QUESTION THREE

Does an administrator have standing (*locus standi*) to apply to court for the review of its own decision? Explain fully with reference to two (2) decided cases. [10 marks]

QUESTION FOUR

Discuss the various sources of administrative law and power in South Africa. [15 marks]

QUESTION FIVE

The **Minister of Minerals and Energy makes regulations in terms of the Petroleum Pipelines Act 60 of 2003**, dealing with procedures to be followed for expropriation proceedings (which he is authorised to do by the Act). **Is this administrative action** in terms of PAJA? Explain fully. [10 marks]

QUESTION SIX

Write an explanatory note in which, with reference to at least three (3) cases, you set out how the court dealt with the meaning and application of **the doctrine of legitimate expectation** in South African administrative law. [15 marks]

QUESTION SEVEN

With reference to decided cases explain the reasons why in a constitutional democracy there will be times when it is appropriate for a court adjudicating a human rights claim to defer to the judgment/decisions of other branches of government. [15 marks]

QUESTION EIGHT

Write a note in which you explain what **internal control** within the administrative relationship involves in relation to **purely administrative functions**. [10 marks]

TOTAL: 100

END OF EXAMINATION

[25]

TOTAL: 100

END OF EXAMINATION