



## GARISSA UNIVERSITY

UNIVERSITY EXAMINATION **2017/2018** ACADEMIC YEAR **ONE**  
**THIRD** TRIMESTER EXAMINATION

SCHOOL OF EDUCATION, ARTS AND SOCIAL SCIENCES

FOR THE DIPLOMA IN PUBLIC ADMINISTRATION

COURSE CODE: DPA 09

COURSE TITLE: ELEMENTS OF ADMINISTRATIVE LAW

EXAMINATION DURATION: 2HOURS

**DATE: 09/08/18**

**TIME: 9.00-11.00 AM**

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### INSTRUCTION TO CANDIDATES

- The examination has FIVE (5) questions
- Question ONE (1) is COMPULSORY
- Choose any other THREE (3) questions from the remaining FOUR (4) questions
- Use sketch diagrams to illustrate your answer whenever necessary
- Do not carry mobile phones or any other written materials in examination room
- Do not write on this paper

This paper consists of THREE (3) printed pages

*please turn over*



## QUESTION ONE (COMPULSORY)

Guyo earns a living by selling daily needs from a kiosk in Ronald Ngala Street for which he has a valid trading license. On Friday 12th September, 2016 he received a letter from the City Council asking him to move his kiosk to some other locality. However his friend Kamau was never issued such a letter and was allowed to carry out his business from the same street as usual. Guyo was doing a good business and refused to leave. On 18<sup>th</sup> September, 2016, he received another letter from the City Council revoking his license with effect from the following day. No reason was given for this action. Guyo appealed against the decision and was told he could appear in person before a special meeting of the License Appeals committee on 22<sup>nd</sup> September, 2016. However, he was refused legal representation at the hearing and was also prevented by the Chairman from cross examining the witnesses. The decision to revoke his license was confirmed by the Appeals committee who's Chairman was Kamau's Uncle. Again, no reasons were given for this decision.

- (a) Advise Guyo on how he may have the decision by the City Council quashed in a Court of Law based on any **FIVE** Principles of Natural Justice. **[15 Marks]**
- (b) Explain any **TWO** purposes of judicial review. **[4 Marks]**
- (c) State and explain any **THREE** characteristics of delegated legislation **[6 Marks]**

## QUESTION TWO

- (a) State and explain any **three** advantages and disadvantages of delegated legislation. **[6 Marks]**
- (b) Write short notes on:
  - i. Separation of powers **[4 Marks]**
  - ii. Independence of the Judiciary **[4 Marks]**
- (c) Define Administrative Law **[1 Mark]**

## QUESTION THREE

- a) The Principles of Natural Justice are rules that govern procedure and conduct of administrative bodies. State and explain any **FIVE** principles of Natural Justice. **[10 Marks]**
- b) Briefly explain five general principles of the Environmental management coordination act(EMCA) **[5 Marks]**



#### QUESTION FOUR

- (a) State and explain at least **FIVE** grounds that may warrant judicial review. **[10 Marks]**
- (b) The Parliament has put in place various mechanisms in its attempt to control or contain delegated legislation. Briefly explain any **FIVE** of these mechanisms. **[5 Marks]**

#### QUESTION FIVE

- (a) Highlight on **THREE** remedies the Courts can grant for judicial review. **[6 Marks]**
- (b) Differentiate between orders of *Certiorari* and Prohibition. **[4 Marks]**
- (c) Identify any alternative methods of dispute resolution outside the Court **[3 Marks]**
- (d) State and briefly explain **TWO** major categories of Law. **[2 Marks]**

