INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 2/SEMESTER 2
COURSE CODE: LLB 2206
NAME: ADMINISTRATIVE LAW II

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This Question is Compulsory

Question 1:

SECTION A (COMPULSORY)

QUESTION ONE (25 MARKS)

In a heated class discussion, Nakku, Second year law student at Excel University Uganda, inform her classmates that the 1995 Constitution of Uganda envisions bringing legal proceedings against the Government. She further informs her classmates that these proceedings are governed by various acts of parliament including the Government Proceedings Act, the Civil Procedure and Limitation (miscellaneous provisions) Act, among others. Furthermore, Nakku admits that she has never heard of any circumstances where the government is exempted and immune, hence not liable for the acts or omissions of its agents.

a) As an ardent administrative law scholar of Administrative law, what advice would you give to Nakku

b) Discuss the legal principles governing the grant of injunctions against the government of Uganda.

Question 2:

SECTION A (COMPULSORY)

QUESTION ONE (25 MARKS)

Aziz was summarily dismissed from Excel University Uganda because of allegedly being involved in examination malpractices. It is alleged that he participated in the leakage of the December 2024 end of semester examinations to fellow students. The decision to discontinue him was made by the Academic Registrar, Mrs. Halima Nalunja in consultation with the Dean

of the Faculty of Law, Mrs. Gonja Pesh. The decision was reached/made after the Academic Registrar had received a threatening letter from academic staff at the law faculty, in which they stated that they would strike, if the implicated student was not discontinued. The lecturers also attended the meeting at which they persuaded the Academic Registrar to draft the letter discontinuing the student.

The Academic Registrar in his letter to the student noted that university management had considered inter alia:-

(i). The increasing rampant incidences of examination malpractices at the Faculty of Law; (ii). That Aziz had come from a secondary school with a significant history of UNEB examination malpractices; and (iii). That the Ministry of Education and Sports had recently directed that any cases of examination malpractices should as a matter of national policy be subject to automatic dismissal.

Aziz has since learnt from his reading of the university policies and rules, that it is only Senate of the university that has powers to discipline and dismiss any students engaged in examination malpractices, and that the university rules permit a further appeal against the decision of Senate, to be lodged with the courts of law.

As an ardent & hardworking Administrative Law student at Excel University Uganda, you have been approached by Aziz, to urgently advise him on the next best course of action to be take.

(a). Identify the legal issues arising from the above facts and resolve them (using statutory law and case law) while highlighting what remedies may be available to Aziz . (15 Marks)

(b). Giving well-reasoned arguments, please advise Aziz on any non- judicial remedies she could also pursue to overturn the university decision. (10 Marks)

SECTION B

Choose One Question from the Questions in this section

Question 1:

Write short notes on the following Cases:

a) Ojangole Patricia & 4 Others vs. Attorney General Misc Cause No.303 of 2013

b) John Jet Tumwebaze V Makerere University Council and 3 others (Civil Application No 353 of 2005)

c) Civil service unions vs. Minister of the civil service (1984) 3 ALLER 935

d)Sino Africa Medicines & Health Ltd & 2 Others v The Permanent Secretary and Secretary to the Treasury & Another, Misc. Application 0429 of 2021

e) Dent V Kiambu (1968) EA 8

Question 2:

Write short notes on the following:

a) a) *Nemo Judex In Causa Sua*

b) b) Non-Judicial Review Remedies in Uganda

c) c) The Doctrine of Ultra-vires

d) d) Procedural Impropriety in Administrative Law

e) e) Audi-Alteram Partem

Question 3:

Write short notes on the following Cases:

a)

a) Ridge v Baldwin [1964] AC 40

b) Associated Provincial Picture Houses Ltd. v Wednesbury Corporation [1948] 1 KB 223

c) Professor Isaac Newton Ojok v Uganda, Criminal Appeal No. 33 of. 1991

d) Allingham v Minister of Agriculture & Fisheries [1948] 1 ALLER 78

e) Ojangole Patricia & 4 Others vs. Attorney General Misc Cause No.303 of 2013

Question 4:

Write Short Notes on the Following:

a) The Order of Mandamus in Judicial Review

b) The Principles governing the grant of temporary injunctions in Uganda.

c) The Order of Certiorari in Judicial Review

d) Habeas Corpus

e) Non-Judicial Review Remedies in Uganda

SECTION C

Choose any Two(2) Questions from the Four Questions in this Section.

Question 1:

With reference to relevant authorities, discuss the meaning and Scope of the Latin maxim, "***DELEGETUS NON POTEST DELAGARE." 25 Marks.***

Question 2:

With reference to decided cases and statutory provisions, examine the doctrine of ultra vires and its applicability in Uganda. 25 Marks.

Question 3:

With reference to the relevant legislation and case law and or illustrations where applicable, discuss the meaning, nature and guiding principles that Courts in Uganda consider before the grant of the prerogative orders of mandamus, certiorari and prohibition. 25 Marks.

Question 4:

With reference to relevant authorities, discuss the tenets of the right to a fair hearing as enshrined under Article 42 and Article 28 of the 1995 Constitution of the Republic of Uganda, as amended. **25 Marks**

Question 5:

"A person who makes a decision should be unbiased. He or She cannot be one of the parties to the case or, have an interest in the outcome of the case." Discuss the veracity of the above statement. **25 Marks**