

Mount Kenya University

UNIVERSITY EXAMINATION 2021/2022

SCHOOL OF LAW
DEPARTMENT OF PUBLIC LAW

BACHELOR OF LAW
REGULAR/EVENING

UNIT CODE: BLW1203

UNIT TITLE: ADMINISTRATIVE LAW

27th APRIL, 2022

3:00PM

MAIN EXAM

TIME: 2 HOURS

INSTRUCTIONS:

- Answer question one any two more questions
- Question one carries 30 Marks and the rest of the questions 20 Marks
- Support your answers with relevant decided cases and statutory provisions

QUESTION ONE

John Edwin is pursuing a law degree from University of Cape City. The supervisor refuses to approve his project. John Edwin is unhappy with the rejection of the proposal and appeal to the projects coordinator.

The projects coordinator writes to the said supervisor. In a confidential writer to the projects coordinator, the supervisor gives reasons why John Edwin's project should be rejected.

The projects coordinator finds the reasons given by the supervisor to be professional and valid. He writes to John Edwin as follows:

"I have investigated the basis upon which your proposal was rejected. Am sorry to let you know that the rejection still stands"

John Edwin is aggrieved by the said decision and has come to you for advice on the following:

- a) The legality of rejection of John Edwin proposal.

(10 Marks)

b) Remedies available to John Edwin. (10 Marks)

c) Explain whether he should go for judicial review or file a normal suit. (10 Marks)

QUESTION TWO

a) What do you understand by the term delegated legislation? (4 Marks)

b) Discuss the various ways of controlling delegated legislation in Kenya (16 Marks)

QUESTION THREE

Rule of law is the hallmark of a ~~lay~~ ^{legal} system

a) What is meant by the term rule of law? (8 Marks)

b) Critically evaluate the application of the principle of rule of law in Kenya. (12 Marks)

QUESTION FOUR

'[I]t could be said that the British Constitution does not know of any rule of law since no superior law puts limits to what Parliament may legislate.' Phillips, Jackson and Leopold, *Constitutional and Administrative Law* (Sweet & Maxwell 2001)

Critically discuss whether this statement and its application in Kenya. (20 Marks)

QUESTION FIVE

a) Critically discuss the continued relevance of Wednesbury rule. (8 Marks)

b) X is a member of the Departmental Promotion Committee. X participated in the deliberation for all candidates including "Y". X withdrew himself when his name was being considered as one of the candidates by the committee. X's name was at the top of selected candidates. Y who was not selected has challenged the selection. Decide the case. (12 Marks)