

Uganda Martyrs University Nkozi

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS

PAPER
ADMINISTRATIVE LAW II

DURATION
03Hrs 30Mins

EXAMINATION DATE
17th MAY 2023: 1400Hrs – 1730Hrs

STUDY SESSION
LLB II

INSTRUCTIONS:

1. Hiring of Mercenaries and Consultation with practitioners or any other personnel is illegal and will lead to automatic disqualification of the Candidate.
2. This is a PARTIALLY OPEN BOOK AND TOTALLY CLOSED MOUTH EXAMINATION. Candidates are ONLY allowed access to clean copies of statutes and PERSONAL handwritten notes. No exit/ break will be allowed of any candidate before expiry of a minimum of 1 hour and 30 Minutes from the commencement of the examination.
3. Read the **QUESTIONS** carefully and the **INSTRUCTIONS** on the EXAM SCRIPT before attempting to answer any question.
4. Attempt **FOUR (04) QUESTIONS** in all and always start answering each question on a fresh page. Questions No. 1 is compulsory.
5. Pay attention to grammatical aspects and proper punctuation.
6. Your work **MUST** be referenced and with all references e.g. cases, textbooks in bold, capitalized and underlined). The references (cases, statutory provisions, textbooks, etc) used in a particular number **MUST** be listed at the end of each number.
7. Your index Number should clearly be highlighted on all pages of your work and your work fully referenced.
8. Write clearly in **BLUE** or **BLACK** ink and always cite relevant examples and cases where applicable.
9. All rules, laws, guidelines and regulations relating to conduct of examinations in Uganda Martyrs University Nkozi and Higher Institutions of learning **SHALL** apply.

QUESTION ONE

In November 2022, Kia got employed with Zikokolima Construction Company Ltd as a civil Engineer vide a clear employment contract. In February 2023, Mulogo a human resource manager of the said Company wrote a letter to Kia indicating that her employment had been terminated without giving clear reasons. She was not accorded any disciplinary hearing as indicted in the employment manual. Kia had earlier in January 2023 obtained a salary loan with Centenary Bank to settle her and her family in Kasokoso. Kia is before you for legal advice regarding her employment termination.

Identify all the legal issues involved and advise Kia on whether she has any remedies available to her. (40 Marks)

QUESTION TWO

In Lex Uganda Advocates & Solicitors Vs AG Miscellaneous Application No. 123 of 2007, Lady Justice Musoke held that prerogative orders are remedies for the exercise of power by those in offices and they are available to give relief where a private person is challenging the decision or actions of a public authority or body or any one acting in the exercise of a public duty.

With the aid of decided cases and or statutory provisions where applicable, Discuss the veracity of the above holding. (20 Marks)

QUESTION THREE

In the case of Motor centre East Africa Ltd Vs PPDA Miscellaneous Cause No. 90 of 2011, Justice Yorokamu Bamwiine (as he was then) held that ultravires means beyond the scope, in excess of legal power or authority, in excess of the authority conferred by law.

With the help of recent Court decisions, discuss the doctrine of ultra vires and how it manifests itself in Uganda. (20 Marks)

QUESTION FOUR

Discuss the judicial remedies that a person aggrieved by an administrative decision may seek from a court of law. (20 Marks)

QUESTION FIVE

In Ojangole Patricia & 4Ors Vs AG Miscellaneous Cause No. 303.of 2013, It was observed that when the decision-making authority commits an error of law in the process of taking the decision or making the act, the subject of the complainant, acting without jurisdiction or ultra vires or contrary to the provisions of a law or its principles are instances of illegality.

With the aid of decided cases and or statutory provisions where applicable, Discuss the veracity of the above holding in relation to the doctrine of ultra vires. (20 Marks)

QUESTION SIX

Write explanatory notes on the following:

- a) Estoppel in Public Law
- b) Abuse of Discretionary powers
- c) Equitable Remedies
- e) Proceedings against Government
- f) Duty to give Reasons (20 Marks)

QUESTION SEVEN

"No man can be a judge in his own cause." In light of the above statement, discuss the law relating to the rule against bias. (20 Marks)

.....**WISHING YOU GOOD LUCK**.....