



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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JANUARY – APRIL 2022

FACULTY OF LAW

REGULAR PROGRAMME

CLS 124: ADMINISTRATIVE LAW

Date: APRIL 2022

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any TWO Questions

Q1. Your long time friend Suzy, was fired by the dispute panel as a consultant in a hospitality industry where she had worked for fifteen years. This took her by surprise since the same was abrupt and she had no idea of what had taken place that led to the said action. Her attempts to have the same addressed by the dispute panel which resolves internal conflicts were rendered futile by all means. She was denied access to the work premises and blocked from all official duties. Advise her accordingly as to;

- a) Analyse the breached principle in this scenario and the aspects in conflict.
(15marks)
- b) Advise Suzy of the suitable remedies available to her in this situation and the reasoned choice behind them.
(15marks)

Q2. Gauche, a prominent advocate was acting for her client Sonia against Dilla a motorist for damage caused in a road accident. Gauche, in his prime years had served as a clerk to the judge before whom Dilla was convicted of dangerous driving. Gauche had retired with the judge when he was considering his decision. Dilla is worried on the interaction between the two and the outcome of the case feeling it won't favour him at all. With the aid of relevant case laws, state and explain the principle depicted and the qualifying conditions to uphold it.
(20marks)

Q3. The independence Kenya as in colonial Kenya, every public servant including judges held their offices at the president's pleasure. This was so in the case of Mwangi Stephen Mureithi versus

Daniel Toroitich Arap Moi. State the facts of the above case and by using relevant constitutional provisions, describe the path to separation of powers during the KANU regime and the majimbo system of government.

(20marks)

Q4. Cyprian, Waiteso and Jabez are friends who intend to contest for different political seats this coming election. However, they have very limited knowledge on matters of devolution. They therefore seek to understand the Structure of devolved government as well as the powers, duties & liabilities therein for proper governance. Enlighten them on the areas of concern.

(20marks)

Q5. Masel is an agricultural minister who delegated powers to a commissioner for Agriculture. The commissioner in turn purported to delegate his powers to an executive officer. Is the delegation legal? Identify and explain the said maxim and the exceptions to it.

(20marks)

END