



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**SECOND YEAR EXAMINATION FOR THE AWARD OF**  
**THE DEGREE OF BACHELOR OF LAWS**  
**FIRST SEMESTER, 2023/2024**  
**(AUGUST-DECEMBER, 2023)**

**LLBK 213: ADMINISTRATIVE LAW**

**STREAM: Y2 S1**

**TIME: 2 HOURS**

**DAY: WEDNESDAY, 9:00 – 11:00 PM**

**DATE: 22/11/2023**

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**INSTRUCTIONS**

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

**QUESTION ONE**

Miss Kendi, a second-year law student at Kisii University School of law has received a one-year suspension letter from the office of the Dean on account of exam malpractice. She is surprised as she was not served with a notice in forming her of any office and therefore, she was not heard. She has now approached you for a legal advice and has asked you to institute a case challenging this administrative action.

- Advise Miss Kendi on possible remedies available against this suspension. **(5 Marks)**
- Explain to Miss Kendi the procedures that ought to have been followed in disciplining a student accused of exam malpractice **(15 Marks)**

- c) Explain to Miss Kendi five grounds that she could raise to challenge this decision **(10 Marks)**

### **QUESTION TWO**

“When Parliament through an Act of Parliament delegates legislative authority to any branch or organ of government, the resulting subsidiary legislation must be in conformity with the Constitution and the Parent Act otherwise it will be null and void.” Anonymous.

From the foregoing, discuss the circumstances under which subsidiary legislation may be declared ultra vires, null and void. **(20 Marks)**

### **QUESTION THREE**

James, a second-year student at Kisii University School of Law has been invited for a public Lecture on judicial control of administrative action. He has approached you for advice on this presentation.

Explain to Mary grounds for judicial review. **(20 Marks)**

### **QUESTION FOUR**

Discuss the conditions that a state action should fulfill before it is considered as a fair administrative action. **(20 Marks)**

### **QUESTION FIVE**

In the case of *R-v- Sussex* (1924) 1KB 256, the court observed that justice must not only be done but must manifestly seen to be done.

Discuss the nature and the scope of the rule of natural justice. **(20 Marks)**