



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION

DEPARTMENT SOCIAL SCIENCES

QUALIFICATION: BACHELOR OF PUBLIC MANAGEMENT/CRIMINAL JUSTICE	
QUALIFICATION CODE: 07BPMN/07BCJC/07BACJ	LEVEL: 5
COURSE CODE: LPM 511S	COURSE NAME: LAW FOR PUBLIC MANAGERS 1A
SESSION: JULY 2022	PAPER: THEORY
DURAION: 3 HOURS	MARKS: 100
JULY 2022 EXAMINATION SUPPLEMENTARY	
EXAMINER(S)	Mrs. E .WABOMBA Dr C. HARRIS
MODERATOR:	ADV. M. SAAYMAN

INSTRUCTIONS
<ol style="list-style-type: none">1. Answer ALL the questions.2. Write clearly and neatly.3. Number the answers clearly.

THIS QUESTION PAPER CONSISTS OF 5 PAGES (Including this front page)

QUESTION 1

Choose the correct answer from the given options in each of the following questions. There is only ONE correct answer for each question. Negative marking will not be applied, but answers to questions will not be marked where more than one answer has been given. USE CAPITAL LETTERS IN YOUR ANSWERS

- 1.1 What is the correct statement about deconcentration as a form of delegation?
- A. Is the transfer of power in an independent sphere of authority
 - B. Is weaker than mandate
 - C. Functions are performed in the name of the delegans
 - D. Functions are not performed in the name of the delegans
 - E. None of the above
- 1.2 Subjective rights of an individual are those rights that are related to:
- A. Property, intellectual property and physical integrity and privileges
 - B. The right to vote and appeal
 - C. Right to vote, physical and mental integrity
 - D. Property, intellectual property, physical and mental integrity and performances of obligations by indebted parties
 - E. Obligations of the indebted parties.
- 1.3 Which of statement below is true about decentralization as a form of delegation:
- A. Only division of labour is put into consideration.
 - B. Power is never transferred.
 - C. It is based on independent control
 - D. Cannot be appealed
 - E. None of the above
- 1.4 A juristic act is:
- A. An act done by a juristic person
 - B. An act considered to be done by someone with contractual capacity
 - C. An act done with intentions to create legal obligations
 - D. Is a legal person.
 - E. None of the above
- 1.5 A delict is:
- A. A lawful act or omission that causes harm to someone else
 - B. Both an act and omission that cause harm to someone else
 - C. Unlawful act or omission that causes harm to someone else
 - D. Unlawful act without omission that causes harm to someone else
 - E. All of the above

- 1.6 The rules of natural justice are defined as follows;
- A. Conclusions reached by those who administer justice
 - B. Independent Courts and subject only to the Constitution
 - C. Kind of offence and possible sentence
 - D. Basic principles on which disputes have to be heard.
 - E. Rules applicable only to administrative law
- 1.7 The following **combination** of criminal cases **cannot** be adjudicated by the Magistrate's Court:
- A. Murder, rape and high treason
 - B. Rape, robbery and culpable homicide.
 - C. Rape, high treason and theft.
 - D. All crimes where an accused can be sent for community service
 - E. Divorce, insolvency and theft.
- 1.8 The practical application of the *stare decisis* principle in Namibia can be described as follows:
- A. All courts are bound by the decisions of a court of equal or higher rank.
 - B. All courts are bound by the decisions of a court of equal or higher rank, unless the decision was incorrect.
 - C. Magistrates must follow decisions of other magistrates.
 - D. A court is bound by the decision of a court of equal or higher rank, unless the decision is incorrect, but Magistrate's Courts' decisions are not binding.
 - E. Magistrate's Courts' decision are the only one binding.
- 1.9 Subordinate legislation is created by:
- A. Only an organ that has powers derived from common law
 - B. Only a person who has powers derived from common law
 - C. A person or organ who has powers derived from the legislation
 - D. Only an organ who has powers derived from the legislation
 - E. Only a person who has powers derived from the legislation.
- 1.10 The relationship within the same authoritative hierarchy is defined as:
- A. A relationship of authority
 - B. A relationship with a permanent secretary
 - C. A relationship of authority in which two or more government organs enter into vis-à-vis one another
 - D. A relationship of authority in which two or more organs enter into vis-à-vis one another
 - E. None of the above

(Each question is two marks)

[20]

QUESTION 2

Indicate whether the following statements are true or false: **No Motivation required.**

- 2.1 In administrative law, an individual is in a subordinate position meaning government is vested with authority and an individual has no right of recourse.
- 2.2 Assignment as a form of delegation is whereby power is transferred completely.
- 2.3 Administrative law is only applicable to subordinate organs.
- 2.4 In consultation means, the president can consult and has no discretion available.
- 2.5 The President's, powers are given only by the people, through voting and not by legislation.
- 2.6 A state is a legal person made up of people who have wealth.
- 2.7 The statement Namibia is a unitary state means is a one nation. (United)
- 2.8 Public authorities cannot engage in private law contracts with individuals but only other authorities.
- 2.9 Superior organs may not revoke or amend decisions in a relationship within the same hierarchy.
- 2.10 In mandate as a form of delegation, the original functionary must exercise his/her own independent judgment in regard to a discretion entrusted to him/her.

(Each question is two marks)

[20]

QUESTION 3

- 3.1 What criteria is used to differentiate between private and public administrative law? (3)
- 3.2 Define Mandate as a system of delegation. (5)
- 3.3 What is a juridical relationship? (2)

[10]

QUESTION 4

- 4.1 Briefly discuss the meaning of strict legal regulation. (8)
- 4.2 Parliament has passed a law that discriminates against women in terms of the Constitution. However, Parliament insists it is vested with the powers to make laws and therefore they have not contravened any law. (5)

[13]

QUESTION 5

- 5.1 Mary transfers powers to John. This transfer entails that John will substitute Mary fully in all his functions. This is a type of delegation. Name and describe this type of delegation. (5)
- 5.2 An official at Windhoek Municipality made a valuation of Anna's property for assessment rate purposes. Anna was not satisfied with the outcome. She appeals successfully to the valuation court.

Discuss the type of administrative act, which Anna appealed against briefly as she approached the Valuation Court (5)

[10]

QUESTION 6

Identify the administrative action each of the following scenarios. Discuss in your answer whether the said action can be revoked i.e. is the author *functus officio*, and when legal force of the said action commences.

- 6.1 Mr Katamba, successfully applies to the Minister of Home Affairs for a work permit to enable him to lecture at the Namibia University of Science and Technology. (4)
- 6.2 Mr. De Sousa is arrested by the police on suspicion of being an illegal immigrant and he successfully defends this accusation in the Immigration Tribunal which finds that he is legally in Namibia. (7)
- 6.3 In terms of the National Heritage Act 27 of 2004 the Minister of Youth National Service, Sport and Culture makes a regulation setting down penalties for damages done to a place that has been declared a heritage. (4)

[15]

QUESTION 7

7.1.

What are generally the requirements for the validity of an administrative action? [6]

7.2

Internal appeal is a judicial act. Is it True or false. Give a reason for your answer. (It is not necessary to enumerate the practical consequences) [6]

[12]

 **NAMIBIA
UNIVERSITY
OF SCIENCE AND
TECHNOLOGY** P/Bag 13308
Windhoek
NAMIBIA

2022 -05- 0 5

**HEAD OF DEPARTMENT
SOCIAL SCIENCES**

ms