



**NAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY  
FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION  
DEPARTMENT SOCIAL SCIENCES**

<b>QUALIFICATION: BACHELOR OF PUBLIC MANAGEMENT/CRIMINAL JUSTICE</b>	
<b>QUALIFICATION CODE: 07BPMN/07BCJC/07BACJ</b>	<b>LEVEL: 5</b>
<b>COURSE CODE: LPM 511S</b>	<b>COURSE NAME: LAW FOR PUBLIC MANAGERS 1A</b>
<b>SESSION: JULY 2025</b>	<b>PAPER: THEORY</b>
<b>DURATION: 3 HOURS</b>	<b>MARKS: 100</b>
<b>SECOND OPPORTUNITY QUESTION PAPER– JULY 2025</b>	
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<b>MODERATOR:</b>	MS. K CLAASEN

**INSTRUCTIONS**

1. Answer ALL the questions.
2. **This paper consist of EIGHT questions**
3. Write clearly and neatly.
4. Number the answers clearly.

**THIS QUESTION PAPER CONSIST OF 7 PAGES (Excluding 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 only
- 1.3 Which of the statements 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 Select the option where the relief is of a civil nature only.
- A. Madonna's boyfriend is extremely jealous and often abuses her physically.
  - B. Robert needs to undergo a kidney transplant. The surgeon negligently removes his healthy kidney. Fortunately, Robert's body accepted the new kidney and he survived the operation.
  - C. Harry caused a motor vehicle collision in which the driver and all the passengers were killed.
  - D. Joan attempted to present a stolen credit card at Pick 'n Pay, but the cashier suspected that there was something wrong, called the manager and Joan was arrested.
  - E. All of the above

1.5 *Ratio decidendi* is:

- A. A judge's opinion of the law in general.
- B. A remark made in passing by a magistrate in the Regional Courts
- C. The authority which a court has to decide a case before it and to take cognizance of matters presented for decision.
- D. The reasons for a decision, which has binding force and is the object of the doctrine of *stare decisis*
- E. The law as applied.

1.6 The following court has the right of first instance to hear an appeal from the Regional Courts:

- A. Supreme Court of Namibia.
- B. Magistrate's Courts and the High Court of Namibia.
- C. Magistrate's Courts only.
- D. High Court of Namibia
- E. All the courts in Namibia.

1.7 Customary law principles are:

- A Applied by the courts if the parties to a matter so choose, irrespective of whether the law concerned is contrary to the principles of public policy.
- B Valid to the extent to which such customary law principles do not conflict with this Constitution or any other statutory law.
- C Applied by the courts if the parties to a matter so choose, provided that the law concerned can be ascertained readily and with sufficient certainty and that it is not contrary to the principles of public policy.
- D Both B and C
- E None of the above.

1.8 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.

- 1.9 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
- 1.10 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. A legal person
  - E. None of the above

*(EACH QUESTION IS TWO MARKS)*

**[20]**

## **QUESTION 2**

- a) Differentiate between the High Court and the Supreme Court. (4)
  - b) The courts are said to have jurisdiction. What is meant by "jurisdiction"? (4)
  - c) Identify why it is important to determine the jurisdiction of a certain court. Substantiate your answer by a concrete example. (2)
- [10]**

### QUESTION 3

In the questions below, match the right word with the correct *statement*. (**Review, appeal, interdict, common law and constitutional review**)

Identify the process that the court uses to control administrative actions as listed below;

- 3.1 A situation where the High court and supreme courts can exercise power of judicial review in terms of Article 80 of the Namibian Constitution read together with Article 25.
- 3.2 A situation where the court has inherent power of judicial review.
- 3.3 A process that is brought before a superior after completion of proceedings but sometimes incomplete proceedings are also allowed.
- 3.4 A process that involves a rehearing after the decision by the inferior body.
- 3.5 Prohibition of an authorized action.

**(TWO MARKS FOR EACH QUESTION)**

**[10]**

### QUESTION 4

Decide in the following cases whether public law or private law applies:

- 4.1 A drives with his car at a speed of 80km/h in Independence Avenue. His speed is measured by a Traffic Officer who stops A. A gets a fine of N\$80. (2)
- 4.2 The Ministry of Safety and Security purchases from Pupkewitz Motors 10 new Toyota Pickup vehicles, for use by the Namibian Police. (2)
- 4.3 According to Section 43(1) of the Legal Practitioners Act 15 of 1995 "every person enrolled as a Legal Practitioner shall be a member of the Law Society". Mr. Nvula, a legal practitioner, who is enrolled only since a short time and still earns very little, does not want to pay the stipulated membership fees payable to become a member of the said Law Society. (2)
- 4.4 The Ministry of Land expropriates land to build a hospital in Omus (2)
- 4.5 A Minister engages to marry one of the members of parliament. (2)

**[10]**

### QUESTION 5

- (a) What in law is known as a "juristic act"? (3)
- (b) Inonge lends five thousand Namibia dollars to her friend Mbaita which must be returned on the agreed date. On that date, Mbaita refused to pay back the money as agreed. As a creditor, Inonge seeks your advice as to the correct procedure to follow to get her money back. Please do so. (7)
- [10]**

### QUESTION 6

- 6.1. What is the difference between case law and common law? (4)
- 6.2. Differentiate between a juridical relationship and an administrative relationship? (2)
- 6.3. Identify from the scenario below, which common law requirements with regards to author has not been complied with:
- (a) The Rehoboth Municipality had no CEO for the past nine months due to political infighting among the councillors and their infighting has hampered the development of the town especially the servicing of new plots. In line with Harambee Prosperity Plan, the CEO of the city of Windhoek has issued a directive for the allocation of new plots to new owners. (2)
- (b) In terms of the Veterans Act, the applicant whose application has been rejected by the Board and is not satisfied with the decision must lodge his appeal with the Board within 30 days. Kamati ka Ngonyofi's application was rejected by the Board and lodged his appeal after 32 days. (2)
- (c) Mr Uapingene is a chicken and goat farmer in Gobabis District. He has reported the occurrence of bird flu in his chickens to the Permanent Secretary in the Ministry of Agriculture Water and Forestry. The PS has issued a directive to his Director in Omaheke Region to quarantine the chickens. The director went to Mr Uapingene's farm, quarantine the goats and kill the chickens. (2)
- (d) The Constitution of the Gun Lovers Association of Namibia (GLAN) provides that the Annual General Meeting of the Association must be held annually and the meeting must be chaired by the President of the Association. During the 2023 AGM, the meeting was chaired by the Secretary General because the president is in Italy with the business of the Association. (2)

**[14]**

## QUESTION 7

7.1 Legal subjects are either human beings or other entities to the law. In addition, as such they have what we call legal capacity. What is meant by the term legal capacity? (3)

7.2 Other terminology for Legislation is:

a) \_\_\_\_\_ and

b) \_\_\_\_\_ (2)

7.3 In which of the two scenarios below will the rules of Administrative Law apply? Briefly discuss the statements below:

7.3.1 The Minister of Environment and Tourism initiates a new Nature Conservation Act for submission to the National Assembly.

7.3.2 In terms of the new Nature Conservation Act, the Minister of Environment and Tourism delegates the task of issuing hunting permits to hunting tourists, to his Director. (5)

7.3.4 What prohibition is contained the rule “delegatus delegare non potest”? (3)  
**[13]**

## QUESTION 8

8.1 Mr. Brown was heavily intoxicated after having celebrated his promotion with his friends at Joe's Beerhouse. On his way home, he drove over a four-way stop with out stopping and collided with Mr. Nangula's car. Mr. Nangula's car was seriously damaged and the said Mr. Nangula has since the accident been confined to a wheel chair as he, due to the accident, suffered damage to his vertebrae.

- a) Are we dealing here with a crime or a delict? Briefly discuss. (5)
- b) What is the burden of proof in a criminal case as opposed to a civil case and on whom does the burden to proof rest? (4)

8.2 Due to the outbreak of rabies in the Windhoek Municipal area, the Windhoek Municipality, issues a by-law that all dogs must be vaccinated against rabies and any dog, whose owner cannot prove that it has been vaccinated, must be put down. Mr. Sam Shikongo, a breeder of hyenas, applies to the High Court asking the Court to declare that his hyenas will not be regarded as dogs for the purposes of the new by-law.

Judge van Niekerk decides that hyenas will be regarded as dogs for the purposes of the said by-law and further mentions that she in fact would also regard jackals, to be dogs. (2)

- a) What is the ratio decidendi and the obiter dicta in the aforementioned scenario and which one has binding force in terms of the stare decisis principle? (2)

[13]