



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
APRIL 2024
LAW OF ADMINISTRATIVE LAW II
UNIT CODE: RLB 211
INSTRUCTOR: MR. WASHINGTON ODONGO OMBIS
INSTRUCTIONS

1. This is the final examination in Law of Administrative Law II. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FOUR** questions. Please answer all questions.
3. The examination has **THREE PAGES**, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

Question One (30 Marks)

On the 1st day of January 2023, Bobby was appointed as CS Education through a gazette notice and after parliamentary vetting he successfully obtained the said position. He was also offered contract of 5 years in relation to the said appointment. During Bobby's tenure he carried out numerous reforms in the sector specifically aiding the tertiary educational institutions especially TVETA area.

However, on the 1st of February 2024, through gazette notice the Ministry of Education unprocedurally appointed one Judy Kalekye as the CS Education, this was an act which was carried out without Bobby's knowledge and also without any formalities observed by the Ministry of Education.

Bobby decided to appoint firm of advocates in order to revoke this process altogether, he appointed the firm of Debra & Co Advocates located in Yaya Center, 5th Floor Room 500.

Assuming you are the advocate on record for Bobby, prepare the necessary pleadings.

Hint, draft both stage I & stage II pleadings.

Question Two (15 Marks)

*"[J]udicial review was introduced in Kenya from England in 1956 through section 8 and 9 of the Law Reform Act, Cap 26."*¹ – **Dande & 3 others v Inspector General National Police Service & 5 others**

Considering this statement, discuss salient features of FAA 2015.

Question Three (15 Marks)

In the locus classicus case of *Republic v Commissioner of Lands ex parte Hotel Kunste (1997) e KLR*, the Kenyan court of appeal described judicial review as proceedings sui generis that are neither civil nor criminal in nature and pronounced that judicial review

Considering this, discuss the differences between constitutional petition, judicial review and review.

¹ [2023] KESC 40 (KLR)

Question Four

The scope of damages has evolved post 2015 in Kenya under judicial review, considering this and using authorities, discuss the effect of damages pre and post 2015 Judicial Review era in Kenya .

(10 Marks)