



**RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
AUGUST 2024
RLB 211: ADMINISTRATIVE LAW II
INSTRUCTOR: MR WASHINGTON ODONGO OMBIS
INSTRUCTIONS**

1. This is the final examination in 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 THE FOUR QUESTIONS.**
3. The examination has 3 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.

QUESTIONS

Question One (30 Marks)

On the 1st day of December 2023, one Rose lodged a complaint against Britam at the Insurance Regulatory Authority (IRA). The complaint was against the refusal of Britam to settle a sum assured of Kshs. 2,000,000/= under anticipated educational policy no 1000 – 0001.

Once the complaint was lodged, the same was to be determined by the IRA within 60 days (2 months) as per the IRA service delivery charter.

On the 1st March 2024, Rose inquired to the IRA on the status of her complaint which was lodged and the commissioner Faicy replied to her on email stating as follows:

“[D]ear Rose, kindly note that we proceeded to close your file. Thank you.”

Upon seeing this and being dissatisfied with the incompetency of IRA to determine complaint, Rose decides to engage the services of an advocate and she visits the firm of Konditi & Co Advocates, which is located at: Bruce House, Standard Street, 3rd floor room 3. She informs her advocate about this issue.

One of the issues outstanding are: (hint)

- a) Failure of IRA to determine complaint.
- b) Failure of IRA to issue give Rose reasons.
- c) Failure of IRA to determine complaint as statutorily required under its service delivery charter.

Rose instructs her advocates to prepare all the relevant pleadings to ventilate this issue.

Assuming you are the advocate on record prepare, ALL the relevant pleadings, systematically.

Question Two (15 Marks)

On the 10th day of July 2024, one Wayne was appointed as legal officer in the office of ombudsman. One of the first tasks required to do was for him to prepare a legal opinion on the key distinguishing elements between traditional judicial review and modern judicial review. Assuming you are Wayne, using relevant authorities and sections of the law, prepare the relevant opinion.

Question Three (15 Marks)

In *Republic v Wavinya Ndeti & 4 others; Gideon Ngewa & another (Exparte) Wiper Democratic Movement Kenya (Interested Party)* Judicial Review 3 of 2022.¹ at paragraph 100, the court noted as follows:

“[A]nalysis of Article 47 of the Constitution as read with the Fair Administrative Actions Act reveals **the implicit shift of judicial review to include aspects of merit review** of administrative action.”²

Considering the above authority, discuss some of the statutory aspects of merit review in judicial review.

Question Four (10 Marks)

- a) In a judicial review matter, discuss the initial orders which are normally granted during the leave stage by the court, i.e. if the application is allowed. (7 Marks)
- b) Discuss the final orders of the court which are normally granted if judgment is entered in your favour.(3 Marks)

¹ [2022] KEHC 12434 (KLR) Judgment

² Ibid.