



**KENYATTA UNIVERSITY**

**UNIVERSITY EXAMINATIONS 2019/2020**

**FIRST SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS**

**LPL 214: ADMINISTRATIVE LAW**

**DATE: Friday, 6<sup>th</sup> December 2019**

**TIME: 9.00am - 11.00am**

**INSTRUCTIONS:**

1. Answer ALL Questions
2. Support your answers with illustrations from case law, statutory provisions and any other reference.
3. Your writing must be NEAT and LEGIBLE
4. Your answer booklet must bear your REGISTRATION NUMBER, both on the cover and very written page.

**QUESTION ONE**

Mr. Mali Mingi has been sent an Additional Tax Assessment by Kenya Revenue Authority (KRA). As per the Assessment, he has been notified that he owes KRA an additional Kshs.15 billion because he failed to file his sale returns for the year 2018. He has approached you for legal assistance. He claims that to the best of his knowledge, he has paid all his tax. In fact he has a tax compliance certificate for the year 2018. He also has all the relevant documentations pertaining to the disputed tax claim.

- (a) What is the first step that you would advise Mali Mingi to take? What does it entail? (2 marks)
- (b) Should the outcome of the step above be unfavorable to him, what is the next step that he should take? (3 marks)
- (c) Appraise the above two steps. (5 marks)

- (d) Should he be unsuccessful after taking the steps above, what recourse would Mali Mingi still have in law, upon what ground and what remedies would he be seeking? (20 marks)

#### QUESTION TWO

The National Assembly has enacted a statutory provision that states: 'The Police shall the power to arrest and detain any individual for a maximum of 10 days as and when they deem necessary'. Evaluate the above provision in light of the three main conceptualizations of the principle of rule of law. (20 marks)

#### QUESTION THREE

Discuss the principle of Separation of Powers in relation to the supervisory jurisdiction of the High Court. (20 marks)