



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2018/2019

FIRST SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 214: ADMINISTRATIVE LAW

DATE: Friday 30th November 2018

TIME: 11.00 a.m. – 1.00 p.m.

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 every written page

QUESTIONS

1. Mr. Kiza was granted a licence to operate a Bar and Restaurant business in Kilimani Estate by the Nairobi City County Liquor Licensing Board. After heavily investing into the business, and an aggressive marketing campaign he dominated the business within his locality that is Kilimani area. After sometime, Kilimani Residents Christian Association complained to Nairobi City County Governor about Kiza's Bar and Restaurant. In their complaint, they indicated that it played loud music all night long thereby causing nuisance. They also complained that since Kiza Bar and Restaurant started its operation, the level of immorality and crime had soured in the area. Eager to help his constituents, the Governor visited Kiza Bar and Restaurant on a fact finding mission, asked them to reduce their noise levels and vet their clientele failure of which he would cancel their licence. He also invited the manager for a meeting. Before the meeting, the manager was informed of the complaint made against Kiza. At the meeting, the manager informed the Governor that they had permit to play music from National Environmental Management Authority and that in fact, NEMA had visited their premises and approved of the music decibel level. As for the raising immorality and crime levels, he told the

Governor that he had made complaints to the local police station about marauding youths that have been targeting their high end clients with no response. However, no conclusion was arrived at in the meeting with the governor.

To the manager's surprise, a week after the meeting, the Governor declared at a press conference that he had revoked 30 Bar and Restaurant licenses including Kiza's. This announcement was swiftly followed by City County employees' visit to Kiza Bar and Restaurant's premises which they trespassed upon, and vandalized and confiscated the licence.

- (a) Mr. Kiza has approached you for legal advice. Explain to him the ground upon which he may seek redress against the actions of the Governor. (20 marks)
- (b) Explain Kilimani Residents Christian Association legal position in the above scenario. (10 marks)

2. "The question that should preoccupy an Administrative Law practitioner is not whether it is desirable and how extensively the principle of the rule of law should not be incorporated into law but rather whether and to what extent it does actually exist." - Michael Allen and Brian Thompson, *Constitutional and Administrative Law* (10th edn, OUP, 2011)

In light of the above statement, evaluate the extent to which the principle of the rule of law has been incorporated either expressly or impliedly into the Constitution of Kenya, 2010. (20 marks)

3. Evaluate the main features of administrative justice. (20 marks)