

UNIVERSITY EXAMINATIONS



21 October 2025

ADL2601

Administrative Law

**100 Marks
3 Hours**

First Examiner: Dr. J. Ramages

Second Examiner: Dr. KO. Lefenya-Motshegare

THIS PAPER CONSISTS OF TEN (10) PAGES – INCLUDING INSTRUCTIONS.

**PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE
ANSWERING THE EXAMINATION QUESTIONS.**

1. The examination question paper counts **100 marks**.
2. It consists of **twelve (12)** compulsory questions. The exam paper is divided into two sections: Part A, which includes Questions 1–8 based on the factual scenario, and Part B, which includes Questions 9–12 as long-form questions. Please note that all questions are compulsory, regardless of the section in which they appear, and must be answered in full. Answer ALL of the questions.
3. The duration of the examination is **3 hours**. Your answers must be submitted via the myExams platform on the **21 October 2025** before **11:30am** (South African Standard Time).
4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file**. Your exam file must be uploaded via the myExams platform on **21 October 2025 BEFORE 11:30 pm (South African Standard Time)**.
5. This is a **closed-book examination**. While the examination is in progress, you are not allowed to consult another person or any source in order to assist you to answer any of the questions contained in this question paper. While the examination is in progress, you may not assist another student in answering any of the questions contained in this question paper.
6. This examination is proctored via the Invigilator App. You are required to activate (or log in to) the Invigilator app between **07:45** and **08:30** (South African Standard Time).

The QR code is below:



QR Access Code: 7e1310bc

- 6.1 **Please note:** If a student is found to have been outside the invigilator app for a total of 10 minutes during their examination session, they will be considered to have violated Unisa's examination rules and their marks will be withheld.
- 6.2 **You only have 15 minutes after the due time to submit your script on the Invigilator App.**
- 6.3 You will have **48 hours from the date of their examination to upload their invigilator results from the Invigilator App.** Failure to do so will result in students deemed not to have utilised the invigilation or proctoring tools.
- 7. The uploading of your exam file on the myExams platform must be **finalised within 30 minutes of the scheduled (timetabled) end of the exam.**
- 7.1 When ready to submit, open the Take-Home (Assignment) assessment again and click on the Add Submission button.

Submission status

Submission status	No attempt
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	-

Submission comments

▶ Comments (0)

▼
Add submission

- 7.2. Note the file requirements such as:
- File size limit.
 - Number of files that can be submitted.
 - File formats allowed.

- 7.3. Check the acknowledgment checkbox and upload your answers document and then click on the Save changes button.

File submissions

☒ This submission is my own work, except where I have acknowledged the use of the works of other people.

Maximum file size: 50MB, maximum number of files: 1

Files

A Sample PD...

Accepted file types:

Document files .doc .docx .epub .gdoc .odt .oth .ott .pdf .rtf
 PDF document .pdf
 Word 2007 document .docx
 Word document .doc

Save changes Cancel

- 7.4. Review your submission information regarding the status and click on your submission file link to check if it's correct.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	Wednesday, 4 May 2022, 3:05 PM

File submissions

 A Sample PDF.pdf	4 May 2022, 3:05 PM
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Submission comments

► Comments (0)

- 7.5. If you need to resubmit a file, you can click on the Edit Submission button. Note: You will need to delete any existing files.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
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Time remaining	37 days 8 hours
Last modified	Wednesday, 4 May 2022, 3:05 PM

File submissions

 A Sample PDF.pdf	4 May 2022, 3:05 PM
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Submission comments

► Comments (0)


Edit submission Remove submission

- 7.6 Use proper PDF conversion software to create the final file for upload. Free PDF conversion software is available on the Internet.
- 7.7 Add your student number and the module code in the file name. That will assist you to select the correct document to upload during submission.
- 7.8 You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.
8. The cover page for your take-home exam must include your name, student number and the module code.

9. It is preferred that your take-home exam is typed. However, handwritten submissions will also be accepted. If the take-home exam is typed, the maximum length is **10** pages. If the take-home exam is handwritten, the maximum length is **15** pages.
10. Whether your answers are typed or handwritten, your submission on the myExams platform on Moodle must be made in the form of **one PDF** document. Only the last file uploaded and submitted will be marked.
 - 10.1 The exam answer file that you submit must not be password protected or uploaded as a “read only” file.
 - 10.2 Your examination answer file will not be marked if:
 - 10.2.1 you send your examination answer file via email.
 - 10.2.2 you submit the incorrect examination answer file. A mark of 0% will be awarded.
 - 10.2.3 you submit your exam answer file on an unofficial examination.
 - 10.2.4 you submit your examination answer file in the incorrect file format.
 - 10.2.5 you submit a password-protected document.
 - 10.2.6 you submit your examination answer file late.
 - 10.2.7 you submit your answer file from a registered student account that is not your own.
 - 10.3 The mark awarded for an illegible examination answer file submission will be your final mark. You will not be allowed to resubmit after the scheduled closing date and time of the exam.
 - 10.4 Listening to audio (music) and utilising audio-to-text software has been strictly prohibited during your examination session, unless use of the software is related to a student’s assistive device which has been declared. Listening to music, utilising such software and/or failing to declare the software is a transgression of Unisa’s examination rules and the student’s marks will be withheld.
11. If your answers are typed, ensure that the following requirements are adhered to. Items 11.1-11.7 applies to written assignments as well.
 - 11.1 The text must be typed in Arial font, size 12 with single line spacing within the paragraph, and double line spacing after the paragraph.
 - 11.2 The text must be justified.
 - 11.3 All of the pages must be numbered in the right-hand corner at the bottom of the page.
 - 11.4 All margins must be 2.5cm, but the left margin must be 3cm.
 - 11.5 South African English and not American English should be used. For example, the correct spelling is “Labour” and not “Labor”.

- 11.6 Do not use abbreviations or SMS language.
- 11.7 All quotes that are two lines long (or less), must form part of the main text, be written in italics, and be bracketed by quotation marks. Where a quotation is longer than two lines, it must be typed in a separate paragraph in italics in size 11 font and must be indented by 1 cm. No quotation marks are required when the quotations stand alone. Use quotations very sparingly. In this take-home exam, a maximum of 5% of the text may be quoted.
12. **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**
13. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. Use the time given wisely.
- 13.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL of the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.
- 13.2 You are required to have read and summarised the prescribed cases yourself. The summaries in the Study Guide are not sufficient for this exam. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used.
- 13.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.
14. You must complete the online declaration of own work when submitting.
- 14.1 By ticking the Honesty Declaration, you confirm that you have read (i) the University's [Policy on Copyright Infringement and Plagiarism](#) and the [Student Disciplinary Code](#), which are both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.

- 14.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with other students, or request assistance from other students during examinations. Plagiarism is a violation of academic integrity, and students who do plagiarise or copy verbatim from published work will be in violation of the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or any other forms of academic dishonesty.
- 14.3 The use of Artificial Intelligence software (ChatGPT, etc.) and online sources (Course Material) during your online examination session is strictly prohibited.
- 14.4 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

PLEASE NOTE:

If you experience challenges with the Invigilator app, please send a WhatsApp **message** to the technical helpdesk on 073 505 8273. Do not contact the lecturers.

For all other exam-related challenges, you may contact the SCSC on 080 000 1870 or e-mail Examenquiries@unisa.ac.za or refer to [Get-Help](#) for the list of additional contact numbers.

PART A:

Factual Scenario:

The Public Health Compliance Act 12 of 2020¹ governs the licensing and regulation of commercial food establishments across South Africa. The Act empowers the National Health Oversight Authority (NHOA) to issue, renew, suspend, or revoke operational licenses for businesses involved in food preparation and distribution. Section 8 of the Act outlines the conditions under which a license may be revoked, including violations of health and safety standards.

In response to a nationwide outbreak of foodborne illness in late 2024, the Director-General of the NHOA issued an emergency directive in December of that year. Effective 1 January 2025, the directive mandated the immediate suspension of any food establishment's license upon confirmation of unsanitary conditions—specifically, the presence of rodent infestation or expired food products—regardless of whether a formal inspection report or administrative hearing had been completed.

The Authority cited section 8(1)(b) of the Act as the legal basis for this action. The provision reads:

8. Suspension or Revocation of License

(1) The Authority may, at any time—

(b) Suspend or revoke the license of a food establishment if it is satisfied that the premises pose a risk to public health due to non-compliance with hygiene standards prescribed under this Act.

On 10 January 2025, Ms. Thandi Mokoena, owner of a small bakery in Soweto, was visited by a municipal health Inspector who reported signs of rodent activity near the storage area. Without a formal inspection report or opportunity to respond, Ms. Mokoena received a notice from the NHOA that her operating license had been suspended with immediate effect. In February 2025, a follow-up inspection confirmed the presence of expired dairy products, and Ms. Mokoena was formally cited for non-compliance. She now seeks legal advice, arguing that the premature suspension of her license has caused significant financial harm and reputational damage, as her bakery is her sole source of income.

Ms. Mokoena has approached you for assistance. Please advise on the following:

Questions relating to the Factual Scenario

¹ The Public Health Compliance Act 12 of 2020 is a fictional statute created solely for the purpose of this hypothetical scenario. It does not exist in South African law and should not be interpreted as an actual legislative instrument.

1. Ms. Mokoena wants to understand what administrative law is. Can you explain it in simple terms and provide a clear definition? [6]
2. Ms. Mokoena would like to know whether the National Health Oversight Authority (NHOA) qualifies as an "organ of state" under the Constitution of the Republic of South Africa, 1996. Please explain your answer with reference to the relevant constitutional provisions and provide reasons for your conclusion. [5]
3. Ms. Mokoena would like to know whether the decision by the Director-General of the National Health Oversight Authority (NHOA) to suspend her bakery's operating license qualifies as "administrative action" under South African law. Please explain your answer with reference to relevant case law and legal principles. [15]
4. Before approaching a South African court, Ms. Mokoena must first explore any internal remedies available to her. This is a key principle in administrative law. Considering her situation, explain three important features of the rule that internal remedies must be exhausted before judicial review can be pursued. [3]
5. In which section of the Constitution of South Africa, 1996, does the supreme law deal with just administrative action? [1]
6. Ms. Mokoena is trying to understand how laws are created and applied in her case. Using the example of the Public Health Compliance Act 12 of 2020 and the Director-General's directive, explain the difference between enabling legislation and delegated legislation. [4]
7. Ms. Mokoena is concerned about the legality of the Director-General's decision to suspend her bakery's operating license without a formal inspection or hearing. Based on relevant legal principles, discuss whether this decision was lawful. If you believe it was not, explain why. [10]
8. Ms. Mokoena would like to understand how the legal force of administrative action—such as the suspension of her bakery's license—can come to an end. In this context, please identify and briefly explain six ways in which the legal effect of administrative action may be terminated. [6]

Part B: ²

9. Outline the two categories of administrative law relationships and give examples for each category. [15]
10. Identify all the principles and values underpinning public administration in terms of the Constitution, 1996. [10]
11. Mrs Wednesday, a South African citizen, has been living in a neighbouring country for the past 3 years, trying to establish a small business. She turned sixty (60) whilst there. She recently decided to return to South Africa to try to establish herself again. Mrs Wednesday went to the nearest South African Social Security Agency (SASSA) Office to apply for her old-age social grant. Upon checking the status of her application, the front-desk officer at the SASSA sent her back, saying 'Sorry, Madam, your application is not successful'. Out of distress and agony, Mrs Wednesday approaches you for legal advice. She wants to know the reasons behind the decision made by the SASSA Office. Advise her on the procedure to follow when requesting reasons for the decision taken by SASSA. [10]
12. With reference to the case of *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs* 2004 4 SA 490 (CC), explain the test used to determine whether administrative action is reviewable. Additionally, consider the relevant factors used to determine whether a decision is reasonable. [15]

Total [100]

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² It is important to note that the long questions in Part B are self-contained and do not relate to the factual scenario presented earlier. Questions 1–8 in Part A are based on the factual scenario, whereas Questions 9–12 in Part B are independent and should be approached separately.