

## Course Outline for Administrative Law and Administrative Processes (Bachelor of Laws) – Uganda

**Course Title:** Administrative Law and Administrative Processes

**Course Code:** LAW 3202

**Year of Study:** Year 3, Semester 1

**Credit Units:** 4

**Course Duration:** 45 Hours (Lectures: 30 Hours, Tutorials: 15 Hours)

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### Course Description

This course introduces students to the principles and practice of administrative law, focusing on Uganda. It covers the relationship between government agencies and individuals, legal controls over public administration, and the principles of fairness, transparency, and accountability in administrative processes. It also addresses remedies available for unlawful administrative actions and judicial review mechanisms.

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### Course Objectives

By the end of this course, students should be able to:

1. Understand the role and functions of administrative law in regulating public authorities.
  2. Analyze the principles governing administrative action and decision-making in Uganda.
  3. Examine the scope of judicial review and other remedies against unlawful administrative actions.
  4. Understand the importance of the rule of law, separation of powers, and constitutionalism in administrative governance.
  5. Critically analyze case law and statutory provisions relevant to administrative law in Uganda.
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### Learning Outcomes

Upon successful completion of the course, students will:

- Demonstrate a sound understanding of the principles of administrative law and their application.
  - Evaluate the functioning of administrative bodies in Uganda and their adherence to legal principles.
  - Apply legal reasoning to hypothetical scenarios involving administrative processes.
  - Critically analyze decisions from Ugandan courts and regional tribunals on administrative law issues.
  - Develop an understanding of reforms and current debates in administrative law.
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## Course Content

### Week 1: Introduction to Administrative Law

- Definition and Scope of Administrative Law.
- Sources of Administrative Law in Uganda.
- Relationship between Constitutional and Administrative Law.
- Functions and Importance of Administrative Law in Public Administration.

#### Reading:

- Constitution of the Republic of Uganda, 1995 (Articles 42-44).
- H.W.R. Wade & C.F. Forsyth, *Administrative Law* (11th ed.), Chapter 1.

### Week 2: The Rule of Law and Separation of Powers

- Concept of the Rule of Law.
- The Separation of Powers Doctrine and Its Relevance in Uganda.
- Interaction Between the Executive, Judiciary, and Legislature.

#### Reading:

- Constitution of Uganda, 1995, Chapter Four.
- A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed.), Chapter 4.
- Case: *Uganda v. Commissioner of Prisons, Ex parte Matovu* (1966).

### Week 3: Administrative Agencies and Public Authorities

- Types of Administrative Agencies (Ministries, Local Governments, Regulatory Bodies).
- Legal Framework Governing Agencies in Uganda.
- Delegated Legislation: Principles and Safeguards.

#### Reading:

- Local Government Act, Cap 243.
- Uganda Public Service Act, 2008.
- Case: *Attorney General v. Silver Springs Hotel* (1989).

### Week 4: Administrative Decision-Making and Discretion

- Principles Governing Administrative Decision-Making.
- The Use of Discretionary Power: Legal Limits and Accountability.
- Good Governance Principles in Administrative Law.



### Reading:

- Constitution of Uganda, Article 43.
- H.W.R. Wade & C.F. Forsyth, *Administrative Law*, Chapter 7.
- Case: *Re Butlin's Application* [1990] 1 AC 373.

### Week 5: Judicial Review of Administrative Action (Part 1)

- Nature and Purpose of Judicial Review.
- Grounds for Judicial Review: Illegality, Irrationality, Procedural Impropriety.
- The Standard of Review and Jurisdiction of Courts in Uganda.

### Reading:

- Judicature (Judicial Review) Rules, 2009.
- Case: *Matovu v. The Commissioner of Lands* [1986].
- Case: *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation* [1948].

### Week 6: Judicial Review of Administrative Action (Part 2)

- Proportionality and Legitimate Expectation.
- Natural Justice: The Right to a Fair Hearing and Bias.
- Remedies Available in Judicial Review (Certiorari, Mandamus, Prohibition).

### Reading:

- H.W.R. Wade & C.F. Forsyth, *Administrative Law*, Chapter 11.
- Case: *Ridge v. Baldwin* [1964] AC 40.
- Case: *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 SCR 817.

### Week 7: Delegated Legislation and Controls

- Definition and Scope of Delegated Legislation.
- Parliamentary Control Over Delegated Legislation.
- Judicial Control Over Delegated Legislation.

### Reading:

- Statutory Instruments Act, Cap 258.
- Case: *Barnard v. National Dock Labour Board* [1953] 2 QB 18.
- Constitution of Uganda, Article 79.

### Week 8: Administrative Tribunals and Alternative Dispute Resolution

- Nature and Role of Administrative Tribunals.
- Appeals from Administrative Tribunals to Courts.
- Alternative Dispute Resolution (ADR) Mechanisms in Administrative Law.

**Reading:**

- Uganda Human Rights Commission Act, Cap 24.
- Case: *Attorney General v. Tinyefuza* [1997].
- Administrative and Judicial Officers Act, Cap 286.

**Week 9: Ombudsman and Public Accountability**

- The Role of the Ombudsman (Inspector General of Government).
- Accountability of Public Officials.
- Role of the Auditor General in Public Administration.

**Reading:**

- Inspector General of Government Act, 2002.
- Case: *Uganda Law Society v. Attorney General* (2009).

**Week 10: Access to Information and Public Participation**

- Legal Framework Governing Access to Information in Uganda.
- Public Participation in Administrative Processes.
- Importance of Transparency in Public Decision-Making.

**Reading:**

- Access to Information Act, 2005.
- Constitution of Uganda, Article 41.
- Case: *New Vision Printing and Publishing Co. Ltd v. AG* [2004].

**Week 11: Administrative Remedies and Compensation**

- Administrative Appeals and Review by Higher Administrative Bodies.
- Compensation and Damages for Unlawful Administrative Acts.
- Public Law Compensation in Uganda.

**Reading:**

- H.W.R. Wade & C.F. Forsyth, *Administrative Law*, Chapter 14.
- Case: *Cane v. Attorney General of Uganda* [1995].

## Week 12: Reforms in Administrative Law

- Current Trends and Reforms in Administrative Law in Uganda.
- Comparative Perspectives on Administrative Law Reforms.
- Emerging Issues: E-Government, Accountability, and Public Service Delivery.

### Reading:

- Uganda Law Reform Commission Reports.
  - Case: *Uganda v. Electoral Commission & Another* [2011].
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### Teaching Methodology

- **Lectures:** Core legal principles, discussions on landmark cases, and theoretical frameworks.
  - **Tutorials:** Group case studies and hypothetical problem-solving exercises.
  - **Moot Court Sessions:** Simulation of administrative tribunals and judicial review hearings.
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### Assessment Methods

- **Coursework:** (30%)
    - Class participation.
    - Written assignments or research papers.
    - Mid-term test.
  - **Final Examination:** (70%)
    - Comprehensive exam covering theoretical questions, practical problem-solving, and case law application.
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### Recommended Reading

1. H.W.R. Wade & C.F. Forsyth, *Administrative Law* (11th ed., 2014).
  2. Peter Cane, *Administrative Law* (5th ed., 2011).
  3. Constitution of the Republic of Uganda, 1995.
  4. Uganda Law Reports.
  5. David Foulkes, *Introduction to Administrative Law* (8th ed., 2010).
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### **Additional Resources**

- Uganda Law Reform Commission Reports.
- Judicial decisions from Ugandan courts, East African Court of Justice, and other relevant case law databases