

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

Department of Law and Legal Services

LLB (Hons) Part v

Clinical and Practical Skills Training LLB503

Special / Supplementary Examination (3 Hour Paper)

INSTRUCTIONS TO CANDIDATES

1. Answer all questions. Marks allocated for each question are shown in brackets.
 2. You may take into the examination room the following:-
 - 2.1. Constitution of Zimbabwe Amendment (No. 20) Act of 2013
 - 2.2. High Court Rules, 2021 (SI 202 OF 2021)
 - 2.3. Constitutional Court Rules, 2016 (SI 61 of 2016)
 - 2.4. Matrimonial Causes Act [Chapter 5:13]
- NB** The above must not be annotated in any way.
3. Use Blue or black ink only but not interchangeably.

JAN 2024 SUPP

Question 1

Identify five main components of an Agreement of Sale of an Immovable property and explain the significance of each of the components.

[10 Marks]

Question 2

Paul Kabazimu is borrowed US\$1 200-00 by Kennedy Hamandishe and agrees to lend the same the borrowed amount. Their Agreement is not documented. Three months down the line, Hamandishe is requested over the phone by Kabazimu to return the money he borrowed but he indicated he is not in a position to pay as his financial standing is poor at the moment. Afraid that he will loose his money forever, Kabazimu request Hamandishe to make an acknowledgement and undertaking to pay back the money. Hamandishe reluctantly deposed an Affidavit before a Commissioner of Oaths in which he acknowledge his indebtedness to Kabazimu in the sum of US\$1 200-00 and further makes an undertaking to pay it back by the 31st of December, 2023. On 15th of January, 2024, you are approached in your capacity as a Legal Practitioner by Kabazimu indicating that he was fleeced of his money by Hamandishe. Advise and draft the initial documentation to give effect to Kabazimu's quest for justice.

[20 Marks]

Question 3

What is/are the effect(s) of the legalization of Civil Partnership in the Marriages Act Chapter 5:17 in relation to the long standing delict of adultery in Zimbabwe. Is it still pertinent to maintain adultery as a delict, Discuss.

[20 Marks]

Question 4

The Constitutional Court held in **Diana Eunice Kawenda v Minister of Justice, Legal and Parliamentary Affairs & Others CCZ3/22** that the definition of "Young person" in the Criminal Law (Codification & Reform) Act Chapter 9:23 is unconstitutional. It further held that Sections 70, 76, 83 and 86 of the

Criminal Law (Codification & Reform) Act are unconstitutional and are set aside. However the court deferred the implementation of its Order for twelve months to allow the Legislature to come up with corrective Statute or Sections. On or about August, 2023 Takesure Sanudi had consensual sexual intercourse with Ashley a Fifteen year old girl. The Police picked up the information, arrested and charged Sanudi for Having Sexual Intercourse with a Young Person in breach of Section 70 of the Criminal Law (Codification & Reform) Act. Sanudi is tried and convicted at Bindura Magistrate Court. In light of the Diana Eunice Kawenda case and any decided case and/or Statute discuss the remedies available to Samudi, the time lines for seeking the remedy(ies) as well as the forum for seeking the redress.

[20 Marks]

END OF QUESTION PAPER