



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

---

**FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS**

---

**DEPARTMENT OF LAW AND LEGAL SERVICES**

**2024 EXAMINATION PAPER**

**COURSE CODE : LLB 106**  
**COURSE TITLE : ADMINISTRATIVE & LOCAL GOVERNMENT LAW**  
**DURATION : 3 HOURS**  
**LEVEL : 2.1**  
**EXAMIER : G. MHISHI**

12 JUN 2024

---

**INSTRUCTIONS TO CANDIDATES**

- 1. This paper contains 7 Questions.**
- 2. Answer any FIVE (5) questions from this paper.**
- 3. Each question carries a total of 20 marks.**
- 4. Only authorised material is allowed.**

**NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.**

### QUESTION 1

With the aid of legal authorities, discuss the circumstances where there is no requirement from the exhaustion of internal remedies before approaching the courts for a remedy.

[20 marks]

### QUESTION 2

With reference to case law and relevant applicable legislation, discuss the different clauses of administrative action.

[20 marks]

### QUESTION 3

Evaluate the theories of administrative law and their relevance in the control of administrative action.

[20 Marks]

### QUESTION 4

In the case of **U-Tow Trailers (Pvt) Ltd v City of Harare and Another** (2009) (2) ZLR (259) (H), Makarau JP (as she then was) made remarks about the effects of the Administrative Justice Act (Chapter 10:28) that ***"That the promulgation of the Act brings in an era in administrative law in this jurisdiction cannot be disputed. It can no longer be business as usual for all administrative authorities, as there has been a seismic shift in this branch of the law"***. With reference to this quotation outline the following-

- a) The manner the Act defines an administrative body? Using the Administrative Justice Act, and the Constitution, briefly describe explain the seismic shift in relation to how our courts now treat the principles of legitimate expectation and *audi alteram partem* rule.

[7 Marks]

- b) Analyse the provisions of the Administrative Justice Act which you think are ultra vires the provisions of section 68 of the Constitution.

[5 Marks]

- c) Demonstrate whether the natural justice principles listed in the **U-Tow** case above be waived under section 68 and 69 of the Constitution? Justify your answer.

[5 Marks]

- d) Outline any three remedies which are usually available to a party whose legitimate expectation and right to be heard would have been violated.

[3 Marks]

### Question 5

The *nemo judex in sua causa* principle is necessary in determining whether or not an administrative order is biased. Evaluate this principle and comment on the demerits of administrative bias.

[20 Marks]

### Question 6

Choose any two administrative state institutions and discuss whether they have realised their full potential as institutions which allow ordinary people to seek redress when they are affected by maladministration and human rights abuses and if they have not, explain how could their performance be enhanced?

[20 Marks]

### Question 7

"The doctrine of *ultra vires* is a mirror image of the principle of legality". Explain the nature and ambit of the *Ultra Vires* doctrine in relation to the Administrative Justice Act, our Constitution, and decided cases.

[20 Marks]

0/50 (pm)