



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

2024 EXAMINATIONS

COURSE CODE : LLB 106
COURSE TITLE : ADMINISTRATIVE & LOCAL GOVERNMENT LAW
DURATION : 3 HOURS
LEVEL : 2.1 29 JUL 2024
EXAMINER : G. MHISHI

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

"Discuss the importance of the Constitution of Zimbabwe, 2013, to the development, protection, promotion, and respect for the right to administrative justice". Your answer should adequately address the four aspects using legal authorities.

[20 marks]

Question 2

- (a) "The most effective way of guarding against abuse of delegated legislative powers is for the legislature to carefully spell out the scope of the powers granted, the purposes for which these powers have been given and the criteria to be taken into account when exercising these powers."

Critically discuss this view and explore other ways in which Parliament could effectively control the exercise of delegated legislative powers. **[15 marks]**

- (b) When is sub-delegation of legislative powers permissible? **[5 marks]**

Question 3

- (a) When are the remedies of an interdict and a declaratory order available? **[10 marks]**

- (b) To allow legal representation in respect of every single administrative decision-making process would bog down the administration; many such matters can be dealt with perfectly fairly without allowing representation. Discuss.

[10 marks]

Question 4

(a) Outline circumstances when access to government information can be denied.

[10 marks]

(b) Administrative authorities must always supply reasons for their decisions.

Discuss.

marks]

[10

Question 5

Define natural Justice and with the aid of case law, explain the two natural just principles that are now codified in the Administrative Justice Act (Chapter 10:28), and the **Constitution of Zimbabwe, 2013**?

[20 marks]

Question 6

“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]

Question 7

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

[20 Marks]