



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 515
COURSE TITLE : Environmental and Planning Law
DURATION : 3 Hours
LEVEL : 5.1

29 JUL 2024

INSTRUCTIONS TO CANDIDATES:

1. Answer 4 questions.
2. Answer **all** questions from section A and **any two** from section B.
3. Notes, handouts and textbooks are not allowed into the examination.
4. Begin each answer to a full question on a fresh page.
5. You are required, to write legibly.
6. You are directed to avoid using short hand and poor grammar.
7. During the course of your answers you must refer to any relevant case law, legal principles and legislation that may be applicable.
8. No cellphones are allowed into the examination room as well as all data storing devices. Failure to comply will lead to automatic disqualification.

Section A- Answer all questions

Question 1

Mucheno (Pvt) Ltd was recently registered in accordance with the Laws of Zimbabwe. You applied for a job there and you are now employed as its legal officer. According to its incorporation documents, the day to day business of the company is the manufacture of hair products and cosmetics. The company now wishes to establish its manufacturing plant. Advise on the compliance issues concerning the establishment of the plant.

[25 marks]

Question 2

You are employed as an associate in one of Harare's big law firms. You receive instructions from Ndaizivei a Zimbabwean working as a nurse aide in the United Kingdom. Your client intends to purchase an undeveloped piece of land from Tinoshanda Property Developers in Harare. The land measures 1400 square metres being a portion of 84, 027 hectares situated in the district of Hatcliff North Township also known as Glenforest, Salisbury. Client furnishes you with a draft sale agreement as well as a purported subdivision permit issued to her by Tinoshanda Property Developers. Write an opinion to client explaining your assessment of the legal risk, compliance issues and whether client should proceed with the purchase.

[25 marks]

Section B – Answer any two questions

Question 3

Comment on the concept of progressive realisation of environmental rights as provided for in section 73 (1) of the Constitution of the Republic of Zimbabwe Amendment (No.20) 2013.

[25 marks]

Question 4

Discuss the role of the Zimbabwean judiciary in implementing the public confidence doctrine in the protection of the environment.

[25 marks]

Question 5

“Climate change has ceased to be a mere environmental issue and has evolved into a human rights issue.” Comment on the validity of this assertion.

[25 marks]

Question 6

The right to an environment that is not harmful to the health or wellbeing of everyone is entrenched in section 73 of the Constitution of Zimbabwe. With reference to case law, discuss the nature of the obligations placed upon the state to realise this right in terms of section 73 (2).

[25 marks]

END OF PAPER

3 am