



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICE

2025 EXAMINATION PAPER (2)

MODULE CODE : LLB 213
MODULE TITLE : ADMINISTRATIVE & LOCAL GOVERNMENT LAW
SPECIAL REQUIREMENTS :
DURATION : 3 HOURS
LEVEL : 2
DATE : 11 JUN 2025

INSTRUCTIONS TO CANDIDATES:

1. This paper contains 7 Questions.
2. Answer Any 4 questions.
3. Start each question on a new page.
4. Each question carries 25 marks.

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

QUESTION 1

With the aid of case law, discuss the circumstances where there is no requirement from the exhaustion of internal remedies before approaching the courts for a remedy. [25 marks]

QUESTION 2

Professor Mhofu applied for a post of CEO at Bakers Inn Bread Company. The advertisement for the post stipulated the required qualifications for the job. Professor Mhofu meets all the requirements. Of all the candidates that applied professor Mhofu is the only one who meet the criteria to fill the post. In addition, Professor Mhofu has been acting in the CEO position for 2 years after the resignation of the former substantive CEO. Interviews were conducted, and Professor Mhofu was not successful. He wrote to the committee requesting reasons for the decision. The committee refused and stated that supply of reasons was discretionary and further the reasons could be not be disclosed in the public domain because of the need to protect state security. Professor Mhofu approaches you for legal advice.

Advise him on the position of the law on the issues presented in this case and what he can do to enforce his rights. [25 marks]

QUESTION 3

Discuss 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 discuss the following-

- a) How 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. [10 marks]

- b) Analyse the provisions of the Administrative Justice Act which you think are ultra vires the provisions of section 68 of the Constitution. [7 Marks]
- c) Can 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) List 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 iudex in sua causa* principle is necessary in determining whether or not an administrative order is biased. Discuss this principle and critically comment on the demerits of administrative bias. [25 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, how could their performance be enhanced? [25 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. [25 Marks]

THE END

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