



ZIMBABWE EZEKIEL GUTI UNIVERSITY

INTRODUCTION TO LAW LB102

CONVENTIONAL EXAMINATION NOVEMBER 2016

THREE HOURS

INSTRUCTIONS

Answer **all** questions in Section A and **any three** questions in Section B. Marks allocated to questions are indicated in brackets.

Candidates are not allowed to bring any material in the exam.

Section A: Answer all questions in this section

Question 1

- a) Discuss the following statement in view of the different theories of law. “The only law I know is good law”.

[10 MARKS]

- a) Do you agree that in general judgements of the South African Courts are more persuasive than the judgements of English Courts? Give reasons.

[10 MARKS]

Question 2

Explain the meaning of the following expressions:

- a) “stare decisis”

[3 MARKS]

- (b) “cross examination”

[3 MARKS]

- c) “inquisitorial procedure”

[4 MARKS]

Question 3

“The system of delegated legislation has been criticized for giving the executive too much power, something that is contrary to the principle of separation of powers.”

Madhuku, L Introduction to law, Harare, Weaver Press (2010) 59.

Provide a critique of the system of delegated legislation.

[10 MARKS]

Section B: Answer Any Three Questions

Question 4

Section 89 of the Constitution of Zimbabwe, 1980 provided as follows:

“Subject to the provisions of any law for the time being in force in Zimbabwe relating to the application of African customary law, the law to be administered by the Supreme Court, the High Court and by any courts in Zimbabwe subordinate to the High Court shall be the law in force in the colony of the Cape of Good Hope on the 10th June 1981, as modified by subsequent legislation having in Zimbabwe the force of law”.

Assess this provision and determine its accuracy given the prevailing legal system.

[20 MARKS]

Question 5

(a) Does the High Court have jurisdiction to decide constitutional matters?

[10 MARKS]

(b) Distinguish between *ratio decidendi* and *obiter dictum* giving relevant examples.

[10 MARKS]

Question 6

Choose any four of the courts listed below. For each court chosen, discuss its composition, jurisdiction and position in the hierarchy of courts in Zimbabwe.

- (a) Magistrates Court
- (b) Supreme Court
- (c) Labour Court
- (d) Constitutional Court
- (e) Community Court

[20 MARKS]

Question 7

Can you describe the nature of Zimbabwe's legal profession and discuss whether there is a need for reform

[20 MARKS]