

# UNIVERSITY OF ZIMBABWE

## INTRODUCTION TO LAW LB101

### NOVEMBER/DECEMBER 2013 EXAMINATION

#### THREE HOURS

#### INSTRUCTIONS

Answer **ALL** questions in Sections A & B and **TWO** questions from Section C

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#### SECTION B (40 Marks)

##### Question 2

“Law is both different from, and related to, morality”.

Discuss.

(4 marks)

##### Question 3

Section 192 of the Constitution of Zimbabwe provides as follows:

*“The law to be administered by the courts in Zimbabwe is the law that was in force on the effective date, as subsequently modified”.*

Explain the implications of this provision.

(4 marks)

##### Question 4

In what circumstances, if any, may Zimbabwean courts turn to the following as sources of law:

- (a) Roman law? (2 marks)
- (b) English law? (2 marks)

##### Question 5

“Customary law has little significance as a source of law in Zimbabwe”.

Do you agree? (4 marks)

### **Question 6**

For each of the following, write True or False and explain your answer:

(a) The Supreme Court is the final court for Zimbabwe except in matters over which the Constitutional Court has jurisdiction.

(3 marks)

(b) The Supreme Court is not bound by its own previous decisions.

(3 marks)

(c) Courts are only permitted to refer to an authoritative text as a source of law where the author has knowledge of Roman-Dutch law.

(3 marks)

### **Question 7**

What is the role of assessors in a criminal trial?

(3 marks)

### **Question 8**

What is special about the jurisdiction of the High Court?

(3 marks)

### **Question 9**

Explain each of the following:

(a) “fused legal profession”

(3 marks)

(b) “proof beyond a reasonable doubt”

(3 marks)

(c) “substantive law”

(3 marks)

## **SECTION C**

### **Question 10**

“The courts play a more important role in shaping the content of law than Parliament”.

Discuss.

(20 marks)

**Question 11**

Write an essay entitled:

“The structure of the courts in Zimbabwe.”

(20 marks)

**Question 12**

The Constitution of Zimbabwe, in Chapter 2 “National Objectives” states as follows in section 31:

“The state must take all practical measures, within the limits of the resources available to it, to provide legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their choice.”

Does this improve the legal aid system in Zimbabwe?

(20 marks)

**END OF QUESTION PAPER**