



**UNIVERSITY OF ZIMBABWE**

**Nov/Dec 2018 Examinations**

<b>Faculty:</b>	Law
<b>Department:</b>	Public Law
<b>Paper code and Title:</b>	LB101 Introduction to Law
<b>Duration:</b>	Three hours
<b>Examiner:</b>	Prof L. Madhuku
<b>Authorized Materials:</b>	N/A

**INSTRUCTIONS:**

1. This paper contains **3** Sections and **13** Questions
2. **Answer all questions in section A and any two questions in section B.**
3. Start each question on a new page
4. This question paper comprises of **4** printed pages

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

## SECTION A: ANSWER ALL QUESTIONS

### Question 1

“Law is law if, and only if, it is fair and just”.

Discuss.

(4 marks)

### Question 2

(a) What is meant by “Roman-Dutch law”?

(2 marks)

(b) Why is it still relevant in Zimbabwe today?

(2 marks)

### Question 3

What is the place of English law in our legal system?

(3 marks)

### Question 4

“The scope of customary law as a source of law, is now very limited in Zimbabwe”.

Do you agree? Explain your answer.

(4 marks)

### Question 5

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

(a) No superior court (High Court, Supreme Court or Constitutional Court) is bound by its own previous decision. (3 marks)

(b) The *ratio decidendi* of a High Court decision has the same value as an *obiter dictum* of the Supreme Court. (3 marks)

(c) Zimbabwean courts must always follow decisions of the South African courts except where the Constitution of Zimbabwe has contrary provisions.

(3 marks)

### Question 6

In the law-making process in Parliament, are there circumstances in which it can be said that the National Assembly is superior to the Senate?

Discuss.

(3 marks)

**Question 7**

“Of all the courts in Zimbabwe, the High Court enjoys the widest jurisdiction”.

Discuss.

[4 marks]

**Question 8**

Explain the implications of the difference between each of the following:

(a) Criminal law and civil law

(3 marks)

(b) Act of Parliament and statutory instrument.

(3 marks)

(c) ‘fused’ legal profession and ‘divided’ legal profession.

(3 marks)

**SECTION B: Answer any TWO questions (40 marks)****Question 9**

Who makes law in Zimbabwe?

(20 marks)

**Question 10**

Choose any court in Zimbabwe and write notes on

(a) The jurisdiction of the court

(b) The composition of the court

[20 marks]

**Question 11**

Write an essay entitled:

“Law Reform in Zimbabwe”.

[20 marks]

**END OF QUESTION PAPER**