



# HEBERT CHITEPO LAW SCHOOL

BARCHELOR OF LAWS HONOURS DEGREE

EXAMINATION QUESTION PAPER

|                         |                              |
|-------------------------|------------------------------|
| <b>MODULE CODE</b>      | <b>LLB 614</b>               |
| <b>MODULE NARRATION</b> | <b>ENERGY AND MINING LAW</b> |
| <b>DATE</b>             | <b>2024</b>                  |
| <b>DURATION</b>         | <b>3 HOURS</b>               |

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## INSTRUCTIONS TO CANDIDATES

- 1. Answer question one from section A, which is compulsory and any two questions from section B.*
- 2. This paper carries 70 marks.*
- 3. You are advised to read all questions carefully before attempting to answer any.*
- 4. You are reminded of the need to cite relevant authorities to bolster your arguments and/or convictions.*
- 5. This question paper is three (3) pages long, including the cover page.*
- 6. You can bring in all relevant unannotated pieces of legislation*
- 7. Write legibly.*

## **SECTION A**

**This question is compulsory**

### **Question 1**

Simon, a successful businessman of Namibian origin is the Chief Executive Officer of ABC Mining Syndicate, a foreign company incorporated in Namibia. He approaches you for advice in respect of a mining development his conglomerate is planning. He tells you that they intend to open a new branch in Zimbabwe. They are also intending to carry out prospecting activities, followed by mining in certain areas under the jurisdiction of the Masvingo Rural District Council (MRDC). He wants you to inform him of the rules and regulations that are applicable to prospectors and miners and in particular, if there are any limitations imposed by law on the exercise of such rights. Part of the land which has been targeted by ABC Mining Syndicate for mining purposes is currently an open space, of which it has been set aside by the MRDC for the development of a local aerodrome while the remainder of the land has been reserved for road works linking the surrounding villages to the envisaged aerodrome. Simon tells you that an undisclosed official from the Department of Mineral Resources informed him that nothing can stop them from prospecting and mining on the area because the Mines and Minerals Act [Chapter 21:05] takes precedence over regional and town planning laws.

Simon wants your advice on whether this is the correct position at law. In the course of your answer, make reference to the applicable law. **[30 Marks]**

## **SECTION B**

**Answer any two questions from this section**

### **Question 2**

With reference to case law and statute, analyse how the Mines and Minerals Act Chapter [Chapter 21:05] has made significant inroads to the common law property maxim *cuius est solum eius est usque ad caelum et ad inferos*, (the owner of the land is the owner of everything built upon the land and everything below the surface). **[20 Marks]**

**Question 3**

Examine the impact of mining activities on climate change in Zimbabwe and evaluate the legal measures in place to mitigate these effects. In your answer, assess the effectiveness of current regulations in promoting sustainable mining practices and reducing greenhouse gas emissions from mining operations. **[20 Marks]**

**Question 4**

Evaluate the legal framework and policies in Zimbabwe that promote the development and utilization of renewable energy sources. Analyse the effectiveness of these measures in achieving sustainable energy practices. **[20 Marks]**

**Question 5**

Discuss the recent reforms in Zimbabwe's mining legislation aimed at promoting investment and the sustainable development of mineral resources. **[20 Marks]**

**TOTAL MARKS: 70**

**END OF QUESTION PAPER**