



## **HERBERT CHITEPO LAW SCHOOL**

**BACHELOR OF LAWS HONOURS DEGREE**

**LEVEL 5 SEMESTER 1**

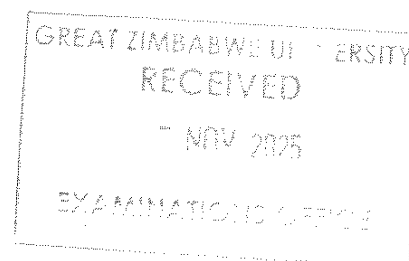
**EXAMINATION QUESTION PAPER**

**MODULE CODE:** LLB 514  
**MODULE NARRATION:** ADMINISTRATIVE AND LOCAL  
GOVERNMENT LAW  
**DATE:** 2025  
**DURATION:** 3 HOURS

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### **INSTRUCTIONS TO CANDIDATES:**

1. Answer THREE questions in all. Section A (**QUESTION ONE**) is compulsory. Answer any Two questions from Section B.
2. You are advised to read all questions carefully before attempting to answer any.
3. You are advised to cite relevant authorities to support your answers.
4. Write legibly.



## **SECTION A**

### **THIS SECTION IS COMPULSORY**

#### **QUESTION 1**

Mdudusi Ndlovu, a 5<sup>th</sup> year Great Zimbabwe University Law student, uses Artificial intelligence (AI) to write assignment and research. All his assignments which he submits are generated through AI.

On the 20<sup>th</sup> of February 2025, Mr Mdudusi submitted an assignment for Tax Law to Mr Banda, a Lecturer at Great Zimbabwe University for marking. After receiving the assignments, Mr Banda submitted them to Mr Nkomo a librarian who runs the University's Turnitin website. The Turnitin system checks the assignments for plagiarism through percentage calculations of information that would have been plagiarised by an author.

After submitting the assignments, the Turnitin indicated that Mr Banda's assignment had a plagiarism report of 85%. On the 23<sup>rd</sup> of February 2025, the School Librarian Mr Nkomo wrote to a letter to Mr Mdudusi indicating that he had been expelled from the University for plagiarism. After receiving the letter, Mr Mdudusi travelled from Mucheke Campus to Hebert Chitepo Law School in an attempt to see Mr Nkomo but he was refused entry by the security guards who told him that they had been instructed by the Student Affairs office that he is no longer a student at the University.

Advise Mr Mdudusi on whether he can challenge the decision of the school librarian Mr Nkomo, to expel him and the remedies, if any, available to him.

**[30 Marks]**

## **SECTION B**

**ANSWER ANY TWO QUESTIONS FROM THIS SECTION.**

### **QUESTION 2**

Mr Matiza is employed by M Richards company in Masvingo. He did not go to work for three days from the 15<sup>th</sup> to the 18<sup>th</sup> of March 2024 because he was sick. He did not notify anyone that he was sick.

On the 20<sup>th</sup> of March 2024, he received a phone call from the Human Resources department indicating that he has been dismissed due to absenteeism. No hearing was conducted and he was not given a chance to be represented by a Lawyer. Further to this he was not given anything in writing to indicate that he was dismissed and any notice on his terminal benefits.

- a) You have been approached by Mr Matiza who wants you to help him to approach the Administrative Court for legal recourse. Advise him of the legal arguments, if any, he can make to win his case. **[5 Marks]**
- (b) Devolution is arguably misunderstood in Zimbabwe. Politicians, governments officials, employees of local councils and the general public at large seem to be confused on the meaning, scope and implementation of devolution as per the dictates of Section 264 of the Constitution of Zimbabwe Act No 20 of 2013.

In light of the above, write a policy brief outlining how a devolved Zimbabwean State would look like. **[15 Marks]**

### QUESTION 3

Due to the rise of illicit funds transfer and the fear of money laundering in Zimbabwe, the Minister of Finance and Economic Development is tasked by the Executive to address these threats. In order to address these issues the Minister drafts a statutory instrument stating that all mobile money transactions are no longer legal tender in Zimbabwe. The statutory Instrument is urgent so it is promulgated through the Presidential Powers and Temporary Measures Act [*Chapter 10:20*] within 48 hours of its drafting. Unbeknown to the Minister the statutory instrument goes against the Finance Act [*Chapter 23:04*] which recognises mobile money as legal tender in Zimbabwe.

Advise the Minister on the lawfulness of his actions and any possible lawsuits he might face. **[20 Marks]**

### QUESTION 4

The Air force of Zimbabwe is being sued for multiple wrongful death claims brought by the widows of three air force employees who died aboard a military aircraft that crashed while testing secret electronic equipment. The widows have sought discovery of the official post incident report and survivors' statements that are in the possession of the Air Force. The Air Force is opposed to disclosure of these documents as the aircraft and its occupants were engaged in a "highly secret mission of the Air Force" at the time of the crash.

Advise the Air force of Zimbabwe on the procedures for declaring privilege of this nature in Zimbabwe and support your answer with relevant cases.

**[20 Marks]**

## QUESTION 5

Charity Zawe and Faith Zawe are Form 4 students at Trusty Academy. On the 21<sup>st</sup> of August 2021, Charity and Faith sat for their O' level examinations administered by the Zimbabwe Schools Examinations Council (ZIMSEC). They sat for the following subjects: English, Mathematics, Combined Sciences, History, Geography, Commerce, English Literature and Shona. Upon marking of the examinations, ZIMSEC suspected that Charity and Faith must have had access to the Mathematics papers 1 and 2.

ZIMSEC's suspicion is based on the fact that Charity and Faith both scored 100 % in both their Mathematics papers and a rumour circulated on Whatsapp that Trusty Academy students had prior access to the Mathematics papers. Due to these allegations ZIMSEC cancelled all O' level results for Charity and Faith.

The parents of Faith and Charity are aggrieved by ZIMSEC's cancellation of results. They approach ZIMSEC for clarification and to ascertain whether ZIMSEC had acted within its powers. Upon approaching ZIMSEC they are notified that ZIMSEC had acted in line with Section 34 of ZIMSEC Regulations of 2023 on cancellation and annulment of results, which states that;

If the Board is satisfied that any candidate for an examination—

- (a) obtained unauthorized access to any examination material prior to the examination
- (b) was impersonated by any other person at the sitting of the examination; or
- (c) engaged in any form of fraud or dishonest conduct in regard to the examination; or
- (d) contravened any rule or regulation governing the examination; the Board may prohibit him from sitting the examination or may annul his results or withdraw any certificate, diploma or award given to him in respect of the examination, as may be appropriate.

(3) It shall not be necessary for the Board to consult or invite representations from any person before cancelling or postponing an examination or annulling the results of an examination in terms of subsection (1).

- i) Does ZIMSEC's action of cancelling Charity and Faith's results amount to administrative conduct? **[10 Marks]**
- ii) Assuming that your answer to part one of the question was yes, advise Charity and Faith's parents on all the avenues upon which they can seek redress with particular focus on Section 34 (3) of the cancellation and annulment of results provision and the proportionality of cancelling all examination results and not only Mathematics. **[10 Marks]**

**TOTAL MARKS: 70.**

**END OF QUESTION PAPER**