



**SCHOOL OF LAW**  
**NLLLB101 INTRODUCTION TO LAW**

**END OF SECOND SEMESTER EXAMINATIONS**

**NOV/DEC 2023**

**LECTURER: C. MUNGUMA**

**DURATION: 3HRS**

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**GENERAL INSTRUCTIONS TO CANDIDATES**

1. Do NOT write your name on the answer sheet
2. QUESTION 1 from Part A is COMPULSORY for all candidates.
3. Answer any THREE questions from Part B.
4. Marks allocated to each question are indicated in brackets at the end of the question.

## **Part A** (Compulsory for all candidates)

### **Question 1**

P is owed the sum of USD1000 by M. M borrowed the money in order to pay school fees for his son who had obtained a place at Africa University to study law. M had explained at the time of borrowing that the law degree offer had been given at short notice so he had not planned for it. This sum of money has been outstanding for over 12 months now. Since then M has been evasive on paying back the money to P. He has given all forms of excuses for not paying. At one point he said his money had been frozen in a bank and the other time he had explained that his wife had deserted him hence he had a burden of supporting the family on his own. P is now desperate and approaches you for help in invoking the law to recover the money.

You are required to explain to P the legal steps he can take using the civil law to recover what he is owed by M, highlighting the procedures that P has to take until a judgment is obtained in court. [25 marks]

### **Part B**

Answer **any three** questions from this section.

### **Question 2**

Explain the hierarchy of the following Zimbabwean courts in civil matters:

- a) Supreme court
- b) High Court
- c) Local courts
- d) Magistrate court
- e) Small claims court

### **Question 3**

- a) Explain the instances where customary law is not applicable to a dispute in Zimbabwe [18marks]
- b) How does the constitution deal with the adoption of international conventions/treaties into Zimbabwean law? [7marks]

### **Question 4**

“Despite the semblance of a Legal aid system, in reality a legal aid system is non-existent in Zimbabwe”. Discuss this statement in the light of the legal aid provided in Zimbabwe. [25marks]

### **Question 5**

In a criminal trial:

- a) Explain what is involved at the following stages of a trial:
  - (i) Examination-in-chief
  - (ii) Verdict

(iii) Re-examination [15marks]

- b) J an accused person is appearing before a magistrate court for theft of copper cables that occurred in 2019. In 2020 John was summoned to court for the same offence but the case was withdrawn before plea because a key witness was not located by the police. As J's legal counsel advise whether J can raise a technical defence to the current criminal charges that he is facing? [5marks]
- c) Would your answer to the above question change or remain the same, if J had pleaded to the charge and the matter was withdrawn by the prosecutor in 20220. Justify your answer [5marks]

**Question 6**

- a) Explain any four (4) ways in which a judgment of a civil court may be enforced. [20marks]
- b) What is civil imprisonment? Does this imprisonment extinguish the judgement debt against the debtor?[ 5marks]

**End of Paper**