



**SCHOOL OF LAW**

**PBL101 INTRODUCTION TO LAW**

**END OF FIRST SEMESTER EXAMINATIONS**

**NOVEMBER 2025**

**LECTURER: MR NKIWANE**

**DURATION: 3 HRS**

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**GENERAL INSTRUCTIONS TO CANDIDATES**

1. Answer ALL questions in section A (which is compulsory) and any three questions in section B.
2. Read all questions carefully before attempting to answer any.
3. Support all your answer with relevant authority.
4. Write legibly.

## SECTION A

Answer ALL questions in this section.

### Question 1

a) Consider the situations below and explain whether the facts in each case raise a legal problem requiring legal remedies. In each case, give reasons for your position.

- i. Prosper is a famous footballer and plays for Mutapa Royals. One day after winning a match against their bitter rivals, Amakhosi, he went to a celebration party at Why Not hotel. After taking several shots of whisky, he invited Rudo, a sex worker to his room where they had unprotected sex. Nine months later, Rudo gave birth to a boy she named Nhamo. Prosper accepted paternity of Nhamo and has consistently paid generous maintenance for Nhamo. However, he has refused to see or have anything to do with Nhamo. Nhamo is now 12 years old. He wants to sue his father for violating his right to love and parental care by refusing to associate with him. **[6 marks]**
- ii. Samantha is madly in love with James, a popular musician in Mutare. She recently discovered that Erica, her best friend, is sleeping with James behind her back. Samantha wants to take legal action against Erica. Can she do so? Would your answer be different if Samantha and James were married? **[6 marks]**
- iii. Alec and Sam are very close friends. Sam tells Alec that he will be throwing a party on the the 1<sup>st</sup> of April and that there will be plenty of food and whisky. Alec, who enjoys the “brown liquid” goes to Sam’s house on the 1<sup>st</sup> of April only to find the gate locked. On making inquiries, he is told that Sam has gone to Victoria Falls on holiday with his family. An angry Alec calls Sam and Sam laughs and tells his friend that it was all an April Fool’s day joke. Alec is not amused and wants to sue Sam. **[3 marks]**
- iv. Sophia is a law student at Amakhosi University. She is renting a room at Mrs Choto’s house in Morningside. They verbally agree that Sophia will be in occupation until the 30<sup>th</sup> of November when the semester ends. Sophia pays her rent in advance up to the 30<sup>th</sup> of November. On the 20<sup>th</sup> of October, Mrs Choto tells Sophia that she needs Sophia’s room with immediately in order to accommodate her sick mother who has

come from the village. She offers to refund her rent. Sophia insists that they have an agreement that her occupancy will be up to the end of November. However, Mrs Choto reminds Sophia that there is nothing in writing to prove her case and as such, she must vacate the room or face eviction by force. Sophia has nowhere to go and her examinations are starting in less than a week **[5 marks]**

(b) Oliver sells a car to Active. Before the car is paid for and delivered to Active, what type of rights exist between Oliver and Active. Once the car is paid for and delivered, what is the name given to the right Active acquires and what is the legal effect of such a right?

**[5 marks]**

**[Sub-Total: 25 marks]**

## **SECTION B**

**Answer any THREE (3) questions in this section.**

### **Question 2**

Distinguish between judicial deference and judicial activism. With reference to any two decided cases show how the court, in each case used judicial activism to change the law. Your answer must, with respect to each case, state the facts, the legal issue(s) in dispute, the decision of the court and the reasons for that decision. **[25 marks]**

### **Question 3**

(a) “Sometimes an act may be a crime as well as a delict.” Explain this statement using examples. **[10 marks]**

(b) “The standard of proof in a civil matter is always on a balance of probabilities, even if the elements of the case are of a criminal nature.” Explain the meaning of this statement with reference to case law. In your answer, you should show the difference between proof on a balance of probabilities and proof beyond a reasonable doubt. **[10 marks]**

(c) Distinguish between an appeal and a review.

**[5 marks]**

**[Sub-Total: 25 marks]**

#### **Question 4**

(a) Jane has just obtained her LLB degree from the University of Zimbabwe. She wishes to be registered as a legal practitioner. She is worried that her conviction for theft of her roommate's phone in her first year might affect her ability to be registered.

Advise her on the procedure for registration as a legal practitioner and whether her conviction for theft will have any effect on her suitability to be registered as a legal practitioner.

**[25 marks]**

#### **Question 5**

Explain the meaning of the term "legal aid." What are the challenges facing the legal aid system in Zimbabwe? What suggestions can you make to overcome some of these challenges?

**[25 marks]**

#### **Question 6**

(a) The National Assembly has passed a Bill making it mandatory for every citizen who attains the age of 18 to undergo national service. However, the Senate has rejected the Bill and sent it back to the National Assembly for reconsideration. The National Assembly, by an overwhelming majority, is determined to have it passed into law. How is the matter to be resolved? **[10 marks]**

(b) Assuming that the Bill has been approved by both the National Assembly and the Senate, but the President declines to sign it into law, because he does not approve its passing, how is the matter to be resolved? **[10 marks]**

- (c) The ruling party of the Republic of Zimbo has resolved to amend the Constitution to remove the two term limit on the Presidency. What would be the process of amending the Constitution to achieve the aims of the ruling party?

{Assume that the Constitution of the Republic of Zimbo is the same as that of Zimbabwe.} **[5 marks]**

**[Sub-Total: 25 marks]**

**TOTAL MARKS: 100**

**END OF EXAMINATION QUESTION PAPER**