



SCHOOL OF LAW

NLLB 207: ADMINISTRATIVE LAW

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2025

LECTURER: MR N MAPHOSA

DURATION: 3 HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
3. Students **MAY NOT** take any material into the examination.
- 4. Answer all questions in Section A and any TWO questions from Section B.**
5. You are advised to read all questions carefully before answering any.
- 6. CITE RELEVANT** authorities to support your answers.
7. This examination paper consists of four pages.

SECTION A

THIS QUESTION IS COMPULSORY

QUESTION ONE

The Minister of Mines and Mining Development, exercising discretionary powers under a mining statute, issued an exclusive mining licence to Elite Minerals (Pvt) Ltd, allowing it to extract lithium from a protected environmental zone. The decision was made without a public consultation process and local environmental groups, as well as traditional leaders, were not notified or allowed to object. Shortly after the licence was granted, a whistleblower revealed that the CEO of Elite Minerals was the Minister's cousin and that the company was incorporated only a month before the licence was awarded. Further investigations showed that the Minister ignored technical reports from environmental experts, who warned that mining in the designated area would cause severe ecological damage and displace local communities. A local watchdog group, Transparency Zimbabwe, has since initiated legal proceedings against the government and the government's position is that the decision was made in terms of broad discretionary powers granted to the Minister, the mining licence cannot be challenged in court because the relevant statute contains an ouster clause preventing judicial review of ministerial decisions and the matter is of "strategic economic importance," making it inappropriate for judicial interference.

- (a) Analyse the legality of the Minister's decision in the light of administrative law principles governing discretion, procedural fairness and illegality. **[20 Marks]**
- (b) Examine whether the ouster clause in the mining statute can lawfully exclude judicial review. Consider the constitutional implications of such a provision. **[15 Marks]**
- (c) Advise Transparency Zimbabwe on the most effective legal remedies available to challenge the decision. **[15 Marks]**

Total: 50 Marks

SECTION B

CHOOSE ANY TWO QUESTIONS

QUESTION TWO

A coalition of civil society organisations and concerned citizens files an urgent application challenging a government directive requiring all NGOs to seek ministerial approval before engaging in community projects. The government argues that only NGOs directly affected have standing to challenge the directive, not individual citizens or umbrella organisations and that public interest litigation is not recognised in administrative law, and courts should reject claims brought by parties with no direct personal interest.

Evaluate the doctrine of *locus standi* (standing) in administrative law, with particular emphasis on public interest litigation and its role in ensuring government accountability. **[25 Marks]**

QUESTION THREE

The Zimbabwe Human Rights Commission (ZHRC) has received a complaint from war veterans who allege that the Ministry of Public Service, Labour and Social Welfare has been withholding their monthly pensions without explanation. The complainants seek urgent redress. Upon investigation, the ZHRC uncovers that the Ministry failed to follow statutory procedures when processing the payments and that some senior officials may have misappropriated funds. However, the Ministry refuses to comply with the ZHRC's recommendations and insists that its decisions are final and not subject to external interference.

- (a) Discuss the role of the ZHRC in promoting administrative justice in Zimbabwe. **[10 Marks]**
- (b) Evaluate the effectiveness and limitations of the ZHRC to provide administrative justice, particularly where public authorities refuse to comply with recommendations. **[10 Marks]**
- (c) What alternative legal avenues are available to the war veterans if the Ministry persists in ignoring the Commission's findings and recommendations? **[5 Marks]**

Total: 25 Marks

QUESTION FOUR

Tonderai Moyo applied for a government scholarship under the Presidential Scholarship scheme designed for academically gifted but financially disadvantaged students. Despite meeting all eligibility criteria, his application was rejected without any reasons given. When Tonderai requested an explanation, the Scholarship Board stated that it is not legally obliged to provide reasons for its decisions and that funding allocations are discretionary.

- (a) Assess the importance of giving reasons for administrative decisions and whether the Scholarship Board's refusal to provide reasons is legally justifiable. **[10 Marks]**
- (b) Discuss the exceptions to the general duty to provide reasons and whether any such exceptions apply in this case. **[10 Marks]**
- (d) If Tonderai challenges the decision in court, what legal remedies would be available to him? **[5 Marks]**

Total: 25 Marks

QUESTION FIVE

For ten years, the Ministry of Housing and National Amenities has allowed informal settlers in an urban area to remain on government land and repeatedly assured them that their occupation would

be formalised through a new housing scheme. However, a newly appointed Minister reversed the policy without warning and declared that the land would instead be sold to a private developer and ordered the immediate eviction of all settlers. The affected families argue that the government created a legitimate expectation that they would be allowed to remain on the land and that the sudden reversal of policy without notice or consultation was unlawful.

- (a) Examine the doctrine of legitimate expectations and whether the affected families can successfully invoke it in this case. **[10 Marks]**
- (b) Discuss the limitations of the doctrine, particularly in cases where government policy changes. **[10 Marks]**
- (c) What remedies, if any, could the court grant to the affected settlers? **[5 Marks]**

Total: 25 Marks

TOTAL MARKS:

100

END OF QUESTION PAPER