



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. Section A** is compulsory 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 five pages.

SECTION A (COMPULSORY)

QUESTION ONE

I. Tafara Construction (Pvt) Ltd is a Zimbabwean company that has been contracted by the Ministry of Transport and Infrastructural Development (Ministry) to construct a major bridge in Mutare. Upon completion of 90% of the work, the Minister arbitrarily cancels the contract without citing any reasons. The Ministry refuses to pay for the work already done, stating that the decision is “final and non-reviewable.” Tafara Construction challenges this in the High Court, seeking judicial review of the Minister’s decision. Meanwhile, leaked documents reveal that the Minister had personal interests in another construction company, BuildFast Zimbabwe (Pvt) Ltd, which was awarded the same contract without a competitive tender process. The government, in response, argues that administrative actions taken in the “public interest” are immune from judicial review if they relate to national infrastructure.

- (a) Discuss the legal grounds on which Tafara Construction can challenge the Minister’s decision. Consider both procedural and substantive issues in your analysis. **[15 Marks]**
- (b) Can public interest be invoked to shield an administrative decision from judicial review? Support your answer with relevant authorities. **[10 Marks]**
- (c) What remedies would be appropriate in this case? Explain the rationale behind each remedy. **[5 Marks]**

Total: 30 Marks

II. The Zimbabwean government, through the Ministry of Defence and Veteran Affairs, entered into a contract with ZimTech Solutions (Pvt) Ltd, a local technology company, to supply advanced surveillance equipment for national security purposes. The contract was signed by the Minister of Defence and contained a confidentiality clause preventing public disclosure of its terms. After ZimTech delivered the equipment and installed the surveillance system, the Ministry failed to pay the company the agreed sum of USD 4 million. When ZimTech demanded payment, the Minister of Defence issued a public statement declaring that the government “cannot be sued for contractual obligations involving national security matters” and that “any attempt to litigate will be regarded as a threat to national sovereignty.”

ZimTech intends to approach the High Court seeking enforcement of the contract. The government, in its defence, relies on the doctrine of sovereign immunity and argues that administrative decisions related to national security are non-justiciable.

- (a) Evaluate whether the government can invoke sovereign immunity to avoid contractual obligations. **[15 Marks]**
- (b) Examine the legal remedies available to ZimTech Solutions in this situation. **[5 Marks]**

SECTION B

ANSWER ANY TWO QUESTIONS FROM THIS SECTION

QUESTION TWO

In a bid to improve voter registration ahead of elections, the Zimbabwe Electoral Commission (ZEC) launched a new Biometric Voter Registration (BVR) system. However, a leaked memorandum revealed that the Minister of Home Affairs and Cultural Heritage had directed the ZEC to use only certain “approved” registration centres, many of which were reportedly located in ruling party strongholds, while opposition-dominated areas faced logistical delays and registration bottlenecks. ZEC’s Chairperson, despite constitutional guarantees of the Commission’s independence, justified the decision by stating that “the Minister’s directive is binding as a matter of national security.” Meanwhile, a group of Civil Society Organisations filed an urgent application at the High Court, arguing that the directive violated administrative justice principles.

- (a) Discuss the extent to which ministerial directives can legally bind an independent constitutional body such as the ZEC. **[10 Marks]**
- (b) Does the directive amount to abuse of administrative power? Apply the doctrine of legality and rationality in your response. **[10 Marks]**
- (c) What legal and constitutional remedies are available to challenge this directive?

[5 Marks]

Total: 25 Marks

QUESTION THREE

Following a cholera outbreak, the Minister of Health and Child Care issues emergency regulations under public health laws which allow health inspectors to forcibly enter any residential or commercial property to inspect for potential sources of infection. The regulations also grant inspectors the power to impose spot fines, confiscate foodstuffs and close businesses deemed to be non-compliant with hygiene standards. Several business owners in Sakubva challenge these regulations, arguing that the powers conferred on health inspectors are excessive and lack checks and balances; the Minister acted *ultra vires* by enacting substantive law under the guise of delegated legislation and that the regulations infringe on constitutional rights without adequate justification.

Evaluate whether the regulations introduced by the Minister are lawful, necessary and proportionate. Also, discuss with reference to the *ultra vires* doctrine, the principles of administrative legality and constitutional rights. **[25 Marks]**

QUESTION FOUR

A leading investigative journalist, Tadiwa Chiwenga, published a series of articles exposing alleged corruption in the Ministry of Transport and Infrastructural Development. A week later, her broadcasting licence was abruptly revoked by the Broadcasting Authority of Zimbabwe (BAZ) on the grounds that she violated “national security standards” under the Broadcasting Services Act [Chapter 12:06]. Tadiwa appeals to the Minister of Information, Publicity and Broadcasting Services who, after a closed-door hearing, upholds BAZ’s decision. She is never given an opportunity to present her side of the story. Subsequent investigations reveal that the Minister’s younger brother is a shareholder in a rival media house, which benefits from the exclusion of competitors.

- (a) Evaluate the procedural fairness violations in Tadiwa’s case, paying particular attention to her right to a fair hearing under Zimbabwean law. **[10 Marks]**
- (b) Discuss the doctrine of bias and its application to administrative decision-making in this case. **[10 Marks]**
- (c) What legal remedies are available to Tadiwa and what would be the most effective course of action? **[5 Marks]**

Total: 25 Marks

QUESTION FIVE

In response to escalating inflation, the Reserve Bank of Zimbabwe (RBZ) issued a directive banning the withdrawal of US dollars from bank accounts and mandating all transactions to be conducted in the Zimbabwean dollar. The RBZ Governor argued that this measure was necessary to “protect the economy and preserve financial stability.” A consortium of businesses filed a constitutional challenge, arguing that the directive was issued without parliamentary approval, violating the separation of powers, the measure contradicts existing laws, including the Banking Act and the Finance Act and the policy is irrational, arbitrary and disproportionate, as businesses cannot operate effectively without access to stable currency. The RBZ defends its position, citing economic emergency powers under the Reserve Bank Act and claiming that courts should defer to executive decision-making in economic matters.

- (a) Assess whether the RBZ’s directive is lawful under Zimbabwean administrative law. **[10 Marks]**

(b) To what extent should courts defer to executive decision-making in economic matters?
Discuss with reference to case law and constitutional principles. **[10 Marks]**

(c) What remedies should the court grant if the challenge is successful? **[5 Marks]**

Total: 25 Marks

END OF QUESTION PAPER