



SCHOOL OF LAW

NLLB312: CLINICAL LEGAL EDUCATION AND PRACTICAL SKILLS

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2025

LECTURER: Mr V Nkiwane

DURATION: 3HRS

INSTRUCTIONS

- 1. Answer ALL questions.**
- 2. Read all questions carefully before attempting to answer any.**
- 3. Write legibly.**
- 4. Cite relevant authority to support your answers.**
- 5. Candidates are allowed to use clean copies of the following materials during the examination:**
 - Constitution of Zimbabwe Amendment (No. 20) Act 2013**
 - Magistrates Court Act [Chapter 7:10]**
 - Magistrates Court Rules 2019.**

Question 1

Gondo was the first President of the Republic of Vene when she gained independence from colonial rule in 1990. President Gondo ruled for successive five-year terms until he died 216 while still serving his sixth term. His Vice President, Shumba, took over as President and completed Gondo's term in 2020. His party fielded him as a candidate in the 2020 elections which he won by a landslide. He is currently serving a five-year term which ends in December 2025. In the course of 2015, the Republic of Vene amended her Constitution limiting Presidential terms to two. The amendment was overwhelmingly approved in a referendum as provided for in its Constitution.

At its Annual Conference, the Bambazonke National Union Party (BNUP), which is led by Shumba, the current President, resolved to amend the Constitution, to remove the clause on Presidential term limits. The Party also resolved that Shumba should continue as President until he voluntarily decides to step down. It also resolved that he should stand for election in 2026.

Cunning, the Secretary General of BNUP and a small clique of senior leaders are not happy with the prospect of Shumba running for another term. They think that such a move will be unconstitutional. Cunning, approaches you, a Constitutional law expert, for a legal opinion on the matter. Your legal opinion should address the following matters.

- (a) Whether President Shumba is constitutionally qualified to stand as a candidate for re-election in 2026.
- (b) Whether it is permissible for parliament to amend the Constitution to remove the two-year Presidential term limit.
- (c) If your opinion is that the desired amendment is permissible, the steps that need to be taken to achieve such an amendment.

In drafting your opinion, assume that the Constitution of the Republic of Vene, is exactly the same as that of the Republic of Zimbabwe. **[25 marks]**

Question 2

Munetsi is employed by Africa University as a bus driver. He is instructed to take Africa University students to student games at the University of Zimbabwe in Harare on Saturday morning with the team due to leave Harare at 2pm the following day on Sunday to return to Mutare. Munetsi, who has a weakness for a lunch time beer or two goes to the senior common room where he meets an old friend and enjoys several beers. He only picks the students at 3 pm to return to Mutare.

On the return journey, Munetsi, well aware of the University rule that students are not to be ferried after dark, decides to speed to make for lost time. Some 50km before Mutare, Munetsi decides to overtake a slow moving truck on a steep road where he cannot clearly see oncoming traffic. While overtaking, he strays onto the right lane and side-swipes an on-coming Honda Fit driven by Chari. Chari's car lands in a ditch and he sustains a fractured arm and facial injuries. As a result, he is hospitalised for three weeks and incurs a medical bill of \$2 000.00. It will cost him \$1 000.00 to repair his car. Chari, who uses his car as a taxi is unable to work for two months, losing approximately \$900.00 in possible income.

(a) Who are the defendants in the suit? Give reasons why those you have cited should be defendants. **[5 marks]**

(b) You have been approached by Chari as a legal practitioner with Progress and Associates Law Chambers. You are instructed to draft a letter of demand against those you think are liable in this matter. Draft the letter of demand. **[15 marks]**

(c) Draft the particulars of claim to be attached to the letter of demand. **[5 marks]**

[Sub-Total: 25 marks]

Question 3

Your client Ms Chipo Shoko has been served with Summons Commencing Action from the Mutare Magistrates Court. The Plaintiff's particulars of claim read as follows:

1. Plaintiff is Timothy Meyer, an adult male whose address for service is Masango and Associates Legal Practitioners, 25 Herbert Chitepo street, Mutare.
2. Defendant is Loveness Ndou, an adult female who is an accountant at Edgars Stores and resides at 2110 Varanda Street, Chikanga.

3. On 22 January 2025, Plaintiff was driving her Honda Fit vehicle, registration ACD 3275. On the day in issue Plaintiff's vehicle was involved in a collision with a Toyota Camry motor vehicle driven by defendant and also belonging to defendant, Samuel Choto.
4. The collision was caused solely by the defendant who was negligent in one or more of the following aspects:
 - (a) He negotiated a right turn when it was not safe to do so.
 - (b) He turned without giving way to oncoming traffic.
 - (c) He failed to keep a proper look out for other road users.
 - (d) He failed to take evasive action when the accident appeared imminent.
 - (e) He drove at an excessive speed in the circumstances.
5. As a result of the collision, Plaintiff's vehicle was seriously damaged.
6. The Plaintiff has accordingly suffered damage in the sum of US\$ 2 000.00, be the fair and reasonable cost of effecting the necessary repairs to the vehicle.
7. Despite demand, the defendant has refused or neglected to pay the sum of US\$2 000.00.
8. Wherefore Plaintiff claims against the defendant
 - (a) Payment in the sum of US\$2 000.00;
 - (b) Cost of suit.

From the particulars of claim by the defendant prepare:

- (a) An appearance to defend. **[5 marks]**
- (b) A detailed Plea on behalf of the Defendant using the above particulars of Claim.

[20 marks]

[Sub-Total: 25 marks]

Question 4

- (a) With the aid of the Magistrates Court (Civil) Rules, discuss the role and importance of a pre-trial conference in civil proceedings. **[10 marks]**
- (b) "A good draftsman of legal documents should always avoid unnecessary repetition, tautology, intricacy of expression and unnecessary legalese."
Mary Welsh: **Civil Practice Handbook**, Legal Resources Foundation
Discuss the above statement in light of skills required in drafting court pleadings and other legal documents. **[15 marks]**