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SCHOOL OF LAW

NLLB 207: ADMINSTRATIVE LAW

END OF SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: C. HAMADZIRIPI

DURATION: 3 HOURS

INSTRUCTIONS

- 1. Answer TWO QUESTIONS from Section A and TWO QUESTIONS from section B**
- 2. You have 3 hours to complete.**

SECTION A (ANSWER ANY TWO QUESTIONS FROM THIS SECTION)

Question 1

John has been issued with a license to sell food from his stall by the City of Harare. The licensing officer who issued the licence followed the written and formal requirements for the issuing of licences set out in the city by-laws. However, he also demanded that John pays him an amount of US\$100 as a 'facilitation fee' for issuing the licence. The by-laws do not make provision for such facilitation fee. John sells food every day at his stall. A few months later City of Harare opens a community centre next to his stall. Amongst other things, food is sold at the community centre. One day John is told by Mr. Marara from the community centre to remove his stall. He refuses. The next day Mr. Marara arrives at the stall with a letter from the municipality informing John that the municipality has decided to revoke his licence with immediate effect and that he has to remove his stall immediately.

John approaches the licensing department of the City of Harare. The officials refuse to give him any reasons for the cancellation of his license. However, he is told he can appear in person before a special meeting of a licence review committee in a week. At the hearing he is not allowed to present his side of the story, neither is he allowed to raise any questions about the cancellation of the licence. He is also prevented by the Chairman of the committee, Mrs. Madhiri, from cross-examining witnesses.

The review committee rules that the cancellation of John's licence was lawful since provision is made for the cancellation of licences in the relevant by-law. John suddenly remembers that he has heard that Mrs. Madhiri is the manager of the community centre being run by the City of Harare next to his stall.

- (a) Identify and discuss all the incidences of unjust administrative action which are arising from this scenario. **[10 marks]**
- (b) Identify and discuss the specific rights to administrative justice which have been violated by the City of Harare. **[10 marks]**
- (c) Discuss the remedies available to John. **[5 marks]**

Question 2

The Zimbabwe Human Rights Commission (ZHRC) has received a complaint from the 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. **[10 marks]**
- b) Discuss the remedies the ZHRC can give to the war veterans in this case, and evaluate the effectiveness of the remedies. **[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]**

Question 3

A coalition of civil society organisations and concerned citizens file 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. The Minister of Justice, Legal and Parliamentary Affairs issues a memo to all High Court stations in Zimbabwe, and to the Constitutional Court, directing courts to reject claims brought by parties with no direct personal interest.

- a) Assess the above scenario, identifying and discussing the different forms of administrative action which arise, and legal status of such action.

[5 marks]

- b) Evaluate the doctrine of *locus standi* in administrative law, and advise on its application to the above scenario.

[20 marks]

SECTION B (ANSWER ANY TWO QUESTIONS FROM THIS SECTION)

QUESTION 4

“Rules are used to create, empower and confine administrative institutions and they construct the essential framework within which the administrative process operates.” (Baxter *Administrative Law* p.190)

Discuss this statement with reference to the sources of administrative law.

[25 marks]

QUESTION 5

Baxter writes: “Discretion involves a degree of judgment and choice and to the extent to which discretionary power is conferred, a public authority is free to decide how it should act.”

Answer the following the questions relating to this statement:

- a) Does ‘free to decide’ imply that the administrative organ is free to act as it pleases? **[5 marks]**
- b) What is meant when it is said that the administrative organ has “wide” (free) discretionary powers? **[5 marks]**
- c) What does a narrow/ circumscribed discretion entail? **[5 marks]**
- d) What are jurisdictional facts? What is the connection between the exercise of a discretionary power and jurisdictional facts? **[10 marks]**

[sub- total 25 marks]

QUESTION 6

A person should not be obliged to exhaust his or her domestic remedies before bringing an action in the High Court for judicial review of that decision.

Discuss. **[25 Marks]**

TOTAL MARKS:

100

END OF EXAMINATION