

**THE UNIVERSITY OF ZAMBIA**  
**SCHOOL OF LAW**  
**POST GRADUATE 2014-2015 MID**  
**YEAR EXAMS**

1. L 5100 – private law



# THE UNIVERSITY OF ZAMBIA

## SCHOOL OF LAW

### PRIVATE LAW – L5100 FINAL EXAMINATION

22<sup>ND</sup> JULY 2014

#### INSTRUCTIONS:

1. Answer **THREE (3)** questions, one from each Part.
2. Time Allowed: **Three (3) hours** plus **five (5) minutes** to read through the examination paper.
3. This examination paper carries a total of **60 marks**.
4. Candidates are **not permitted to bring any statutes** into the examination room.
5. Candidates must **not turn this page** until the invigilator tells them to do so.

## **PART A**

### **Question 1**

The conflict between African customary law and written law is epitomised in Zambia's Family Law. A typical example is the following extract from the *Mwaziona Newspaper*.

#### **13-year-old married; parents party as they marry her off**

A 13-year-old grade six pupil of Mulilo Primary School in Mulilo District was over the weekend married off, despite intensified campaign by government against child marriage. The Mulilo District Education Board Secretary (DEBS) Mr Sililo Sililo confirmed this to *Mwaziona News* in Mulilo District yesterday. Mr Sililo said according to school records, the 13-year-old girl was married off last Saturday at a ceremony held at her parents' home in Mulilo. He said it is becoming common for parents in Mulilo District to marry off their young children in exchange for cattle and goats. Mr Sililo however warned the parents of the 13-year-old girl that they will be arrested.

Discuss the various laws in conflict in the above extract; and comment on the effectiveness of the 'solution' mentioned by Mr Sililo, i.e. arresting of parents who marry off their daughters who are below the age of 16.

**(24 marks)**

## **PART B**

### **Question 2**

Write an essay in which you outline the challenges faced by women in rural and urban Zambia when it comes to acquisition, use and ownership of land in Zambia.

**(18 marks)**

### **Question 3**

Should all land in Zambia be registered? Discuss the advantages and disadvantages of such a venture; as well as the current challenges and possible solutions regarding land registration in Zambia.

**(18 marks)**

## **PART C**

### **Question 4**

Chipa comes from a remote district in rural Zambia where 95% of the population lives below the poverty line. He is a miner in a small mine outside his home district. Chipa has five wives and 37 children. He owns 250 cows, 100 goats and 50 hectares of traditional land on which he lives with his entire family. Six years ago, Chipa tested HIV positive and so did all his five wives. Early this year, two of his wives died and three are currently very sick. Chipa's health is equally deteriorating. Chipa is uncertain as to which option would best secure the welfare of his children: is it (a) to leave a written will; or (b) to appoint a successor traditionally? Advise Chipa.

**(18 marks)**

### **Question 5**

Professor A.A. Allott argues that African customary law is here to stay. No matter how much law African Parliaments legislate, African customary law will never be replaced. What are the characteristics of African customary law; and how can it be reformed so it exists in harmony with written law?

**(18 marks)**

**TOTAL: 60 MARKS**

**END OF EXAMINATION**