



SCHOOL OF LAW

Legal Process – L111

Lecturer's Name and Contact Details: Mrs. T. Lumbama-Kaputo

Instructions:

1. **Due Date: Thursday, 24th September 2020.**
2. **The assignment can be submitted on or before the due date. Assignments submitted LATE will be REJECTED.**
3. **The minimum number of pages is two (2) and the maximum is four (4) (excluding the cover page and bibliography).**
4. **Font: 12 point font- times new roman, 1.5 spacing, use the standard cover page (Sample below).**
5. **Your work should include an introduction, correct grammar and be properly referenced (using oxford referencing) as all components will be graded.**
6. **Assignments should be submitted on or before the due date through Moodle (compulsory), assignments submitted via other means will NOT be marked.**

Look at the two sections below and answer the questions that follow each section.

SECTION: A

Party X has been sued by a local businessman and company for non-payment of K300, 000. Party X through its secretary general has asked the Lusaka High Court to strike out the case for irregularity as it lacks a cause of action.

In this matter, the businessman and company have dragged Party X's leader and three others to court demanding payment of K300,000 for printing services of 150,000 tickets for the national conference. The businessman and company have sued Party X's secretary general, organising committee chairperson, the party leader and the registered trustees seeking an order that Party X be declared bankrupt and that the party be dissolved and deregistered for allegedly failing to pay its debt.

According to a statement of claim filed by Lusaka lawyer *TN* on behalf of the complainants, by a written agreement made between the plaintiffs and the defendants represented by lawyer *M* dated March 16, 2017, the defendants contracted the businessman and company to print 150,000 tickets for a national conference at the cost of K2 per ticket.

The complainants said the amount agreed on was K300, 000 and after the execution of the said agreement, the businessman and company printed 150,000 tickets. The businessman claimed that Party X pegged the tickets for sale at K1, 000, K50 and K30 respectively.

"The plaintiff shall aver that despite the several follow-ups to the defendants at their secretariat, the defendants have neglected to honour the agreement to pay. The plaintiffs shall aver that despite several assurances that they will settle the indebtedness, the defendants have lamentably failed to honour the payment," they stated.

The plaintiffs had also asked the court to compel Party X to pay the money owed to them for not filing defence in the matter. But an affidavit in support of summons to set aside the originating process for irregularity said the defendants have not been served with process in the matter and that none of them has ever refused to acknowledge receipt of originating process, contrary to what is alleged by a legal intern at TN's law firm.

The secretary general said the originating process is defective as it does not disclose a cause of action against the leader, himself, organising committee chairperson and Party X's registered trustees.

"Pleadings in this matter are defective and must be struck off insofar as they seek to liquidate Party X," the secretary general said. "The writ of summons filed in this matter is irregular in material particulars as the organising committee chairperson's full address has not been endorsed in the writ of summons in terms of the amended High Court Rules."

The secretary general further stated that the case was fit and proper for the court to strike out the originating process for irregularity.

"In the alternative unless the action is struck out, the defendants will be embarrassed and cannot therefore enter defence," the secretary general said.

He added that no prejudice would be occasioned to the business and company by an order striking out the matter and conversely the interest of justice will be served.

Discuss what relates to the procedural and substantive law in this excerpt.

(5 Marks)

SECTION: B



**REPUBLIC OF ZAMBIA
MINISTRY OF HEALTH**

PRESS BRIEFING ON COVID-19 AND ADDITIONAL PREVENTIVE AND CONTROL MEASURES

Tuesday, 17 March 2020. Lusaka.

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Zambia has not yet confirmed any case of COVID-19 but continues to pitch very high, public health security for the country. The Government of the Republic of Zambia under the leadership of His Excellency Dr Edgar Chagwa Lungu has escalated the level of preparedness and put in place intense measures to respond to any event of coronavirus disease:

1. The screening process coordinated by our disease intelligence wing, the Zambia national Public health Institute at points of entry is mandatory and more rigorous. In line with the Public Health Act Cap. 295 of the Laws of Zambia, and guided by the two Statutory Instruments, SI 21 of 2020 which designates COVID-19 as a notifiable disease and SI 22 of 2020 which provides additional regulations to facilitate management and control of COVID-19 both issued on March 14th of 2020, mandatory screening and quarantine of international travelers including air travel passengers, truckers, bus operators, and passengers at points of entry, bus stations and other check points from high-risk areas for a minimum period of 14 days shall be issued.

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Consider the excerpt above, identify all the delegated/ subsidiary legislation and identify the parent Act or enabling instruments that conferred the power to make the delegated/subsidiary legislation. As you do so, write a brief statement on the role of these types of instruments and the influence they have on the formation of law in Zambia.

(5 Marks)

STUDENTS' COVER PAGE

UNIVERSITY OF LUSAKA

School:

Degree Programme:

Course name and Code

Student's Surname:

Student's First name:

Student number:

Mode of Study:

E-mail Address:

Phone Number:

Lecturer's name:

Due Date: