



**SCHOOL OF LAW**

**L 100 – LEGAL PROCESS & BUSINESS ENVIRONMENT**

**FINAL EXAMINATION**

**26 DECEMBER 2012**

**09:00 – 12:00**

**TIME ALLOWED: 3 HOURS PLUS 5 MINUTES READING TIME**

**INSTRUCTIONS TO CANDIDATES**

1. Check that you have the correct examination paper in front of you.
2. Read Instructions very carefully before attempting any question.
3. The paper consists of **TWO (2)** Sections. Answer **TWO (2)** questions from each section. Each question carries 25 marks each. Question 1 in Section B is Compulsory.
4. Write down the number of questions attempted on the cover page.
5. Begin each question on a new page.
6. Candidates are permitted to bring their own clean and unmarked statutes into the examination room.
7. There shall be no form of **any** communication either verbally or using sign language between students during the examination. Any attempt or gesture to make such communication will lead to an automatic disqualification.

**DO NOT TURN THIS PAGE UNTIL TOLD TO DO SO BY THE INVIGILATOR**

## **SECTION A**

### **QUESTION 1**

Compare and contrast the main features between the common law and the civil law system. How does the principle of precedent work in the common law system and what is it designed to further in the dispensation of justice? What are its advantages and disadvantages?

### **QUESTION 2**

Zambia enjoys a dual system for the administration of justice. Discuss whether this promotes fair dispensation of justice. Discuss the different sources of law in Zambia and how some of those sources were derived.

### **QUESTION 3**

The Zambian judicial system continues to be in an evolutionary state. Discuss this evolution and what the current court hierarchy is to date. In so doing, discuss the doctrine of precedence including its advantages and disadvantages.

### **QUESTION 4**

The law takes some facts to be rebuttable irrebuttable or non-rebuttable presumptions. Discuss these presumptions.

- a. Discuss the of *ejusdem generis* rule
- b. The intrinsic and extrinsic aids courts may use to assist in the interpretation of a statute.

## **SECTION B**

### **QUESTION 1 (Compulsory)**

Business ethics is concerned with issues of 'right' and 'wrong' behaviour in an organisation. Ethics goes beyond the legal requirements for a company and is, therefore, about discretionary decisions and behavior guided by values.

- a. Ethics philosophers recognise four (4) fundamental approaches on ethical reasoning for business managers. Describe the Utilitarian (Teleological) approach. (8 marks)
- b. What factors are encouraging companies to address the issue of Business ethics. (8 marks )
- c. The practice of Corporate Social Responsibility is subject to much debate and criticism. Explain four (4) arguments against social responsibility. (9 marks)

**Total marks: 25**

### **QUESTION 2**

Multinational Corporations are enterprises that operate in a number of countries and having production or service facilities outside the country of origin. Multinational Corporations play a key role in the process of globalization, which involves worldwide scale of markets and production.

- a. Name the three types of multinational corporations. Describe briefly the differences between these corporations. (7 marks)
- b. Explain four (4) criteria multinationals corporations should meet to be recognized as such organisations. (8 marks)
- c. Explain how these multinational corporations have contributed to the overall economy of Zambia. (10 marks)

**Total marks: 25**

### **QUESTION 3**

Businesses in Zambia exist and operate within society and are subject to a variety of demographic and socio-cultural influences. Like demography, social factors and cultural factors change over time and can affect organisations. Businesses need to be sensitive to such change.

- a. Identify some of the major social trends over the decade. How are these trends reflected in the changing patterns of consumption in Zambia? (8 marks)
- b. Explain three (3) reasons why migration amongst the youth is high. What is the effect of migration on the business community in the country? (8 marks)
- c. Explain the concept of market segmentation. What is the basis for segmenting a market? (9 marks)

**Total marks: 25**

### **QUESTION 4**

Every business organisation needs to create and maintain harmonious relations with different institutions in society. Briefly summaries on each one of the following publics and indicate how businesses in Zambia may want to interact with these publics. Give practical examples.

- a. Labour Unions (5 marks)
- b. Consumers (5 marks)
- c. Employees (5 marks)
- d. Government and Local Authorities (5 marks)
- e. Commercial Banks (5 marks)

**Total marks: 25**

**END OF EXAMINATION PAPER**