

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

INTERPRETATION OF STATUTES-LL108

20 NOV 2019

DURATION: 3 HOURS

INSTRUCTIONS TO CANDIDATES

1. Answer **ALL** questions.

2. **Materials allowed into examination room**
 - a) Constitution of Zimbabwe Number 20 of 2013.
 - b) Interpretation Act [Chapter 1:01].

INFORMATION FOR CANDIDATES

1. Credit shall be given for referring to case law, statutes or any other authorities wherever applicable.
2. Notes, handouts and textbooks are not allowed into the examination.
4. Cellphones are not allowed into the examination room.
5. Begin each answer to a full question on a fresh page.

Question 1

With reference to decided case law authorities, discuss the following approaches to statutory interpretation;

- a) The narrower textual approach to statutory interpretation. (10)
- b) The wider and contextual approach to statutory interpretation. (10)

[Total: 20 marks]

Question 2

'Ascertaining the intention of the legislature is the most difficult task which the court can perform and it may lead to a wrong interpretation of a statutory provision'. Discuss.

[20 marks]

Question 3

Discuss the importance of the following maxims of statutory interpretation;

- a) *Expressio unius est exclusio alterius.* (5)
- b) *Ejusdem generis.* (5)
- c) *Noscitur a sociis.* (5)
- d) *Contemporanea expositio.* (5)

[Total: 20 marks]

Question 4

Tichaona has been charged with the offence of marrying a girl who is below the age of 18 years. The charge emanates from the Marriages Act which was enacted on 1 August 2018. Tichaona paid the bride price on the 15th of July 2018. The Marriages Act is silent on whether Tichaona should have known that the girl was below the age of 18 years.

Required

With reference to relevant authorities, discuss how the court should proceed in the above matter.

[20 marks]

Question 5

Discuss the importance of internal aids to statutory interpretation. **[20 marks]**

[END OF EXAMINATION- 100 MARKS]