

# ZIMBABWE EZEKIEL GUTI UNIVERSITY



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FACULTY OF LAW

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Department of Public law

Statutory Interpretation LLB108

## SUPPLEMENATRY EXAMINATION

January 2019

### Instructions

- (i) Answer any four questions from the seven questions. Each question carries 25 marks.
- (ii) Students may bring into the exam un-annotated and clean copies of the Interpretation Act. Copies with notes inside shall not be allowed and may be confiscated. No student is allowed to share his/her copy with another.
- (iii) Number your answers accordingly.

### Question 1

- (a) With reference to the Constitution of Zimbabwe, discuss the inter-relationships between the Executive, the judiciary and the legislature in the law making process. (20 marks)
- (b) Make justifications for the involvement of the judiciary in the law making process (5 marks)

### Question 2

- (a) Identify and discuss three major approaches to statutory interpretation that can best illustrate the intention of the law maker. Justify your answer [20 marks]
- (b) Identify two rules of statutory interpretation and apply them in reference to any legislation of your choice. (5 marks)

### Question 3

- (a) Discuss the importance and advantages of historical context in the interpretation of statutes (15 marks).
- (b) Identify and outline the dangers of using the historical context in the interpretation of the provisions of the Constitution of Zimbabwe (10 marks).

### Question 4

- (a) With reference to specific legislation, identify and discuss five external aids to statutory interpretation and illustrate how they can be applied in practical scenarios. [20 marks]
- (b) Describe three important features of a statute, making reference to examples of legislation (5 marks)

### Question 5

In the case of *De Kock v Resident Magistrate of Caledon* (1896) 13 SC 386; the court stated as follows:

“The safer course is to observe the literal and grammatical sense of the words employed, and leave it to the Legislature to amend the law in case such construction does not carry out its real purpose”

- (a) Explain this statement and outline the advantages and disadvantages of this approach to statutory interpretation (15 marks)
- (b) Illustrate how the golden rule and mischief rule attempts to deal with the problem inherent in the literal rule (10 marks)

### \* Question 6

Using examples, illustrate scenarios where the following terms are applied:

- (a) Contemporanea exposition [ 5 marks]
- (b) Noscitur a sociis [ 5 marks]
- (c) Expressio Unius est exclusio alterius [5 marks]
- (d) Roddendo singular singularis [5 marks]
- (e) Eiusdem generis [5 marks]

### Question 7

With reference to specific presumptions of statutory interpretation, discuss their application and importance in statutory interpretation. Your answer must make reference to specific legislation [25 marks]