

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

Department of Public law

Statutory Interpretation LLB 108

EXAMINATION

May/June 2018

3 HOURS

Instructions

12 JUNE 2018

- (i) Answer any four questions.
- (ii) Answer two questions from Section A and two questions from section B.
- (iii) Each question carries 25 marks.
- (iv) 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.
- (v) Number your answers accordingly.

NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.

Section A

Answer any two questions

Question 1

- a) There are various purposes for promulgation of a statute. Identify and explain some of these reasons in the context of statutory interpretation? (7 marks).
- b) With reference to parliamentary stages, explain the processes and actors in statute development in Zimbabwe (18 marks).

Question 2

In his book **Statutory Interpretation** (2nd Edition, 1992, page 4) Francis Bennion states the task of statutory interpretation as follows:

*“Does the grammatical meaning truly give effect to the legislature’s imputed intention? If it does not, the legal meaning is something else. In searching for the legal meaning of the doubtful enactment, the Court proceeds by **identifying, determining and weighing**. It identifies the interpretation criteria that are relevant to the instant case (usually many). It determines by reference to these criteria the specific factors that, on the wording of the enactment and the facts of the instant case, are **decisive**. It weighs the factors that tell for or against each of the opposing constructions. That it gives a decision ” (emphasis added).*

Is this an accurate statement about the process of Statutory Interpretation? (25 marks)

Question 3

- a. What are the different view points on the true nature of presumptions of interpretation? Are they rules? (7 marks)
- b. With aid of examples, explain any six presumptions in statutory interpretation? (18 marks)

Section B

Answer any two questions

Question 4

Using case law, discuss how courts have applied the common law rules in interpreting statutes. Illustrate further how complimentary rules have assisted courts in interpreting statutes (25 marks)

Question 5

a) Assuming an enactment in Zimbabwe provides:

“Where interim custody of the child has been granted to the father of the child, the father shall be deemed to have ceased to have the interim custody of the child if he has allowed the child to stay with the mother or any other person for a continuous period exceeding six months.”

Discuss the applicability of this provision if the mother has interim custody of the child? Give reasons for your view. (5 marks)

b) Explain the validity of a thumb print as a signature? (3 marks)

c) Explain the meaning that must be extended to a reference of “seven (7) days” in statutory interpretation (3 marks)

d) Briefly discuss the meaning of the word “person” in relation to both a local and a foreign company? (3 marks)

e) What is the legal position regarding the following aids to interpretation:

(i) preamble

(ii) headings

(iii) the long title

(iv) Schedules

(v) punctuation (11 marks)

Question 6

Discuss the following maxims to statutory interpretation;

(i) *Ejusdem generis* (5 marks)

(ii) *Noscitur a sociis* (5 marks)

(iii) *Expressio unius est exclusio alterius* (5 marks)

(iv) *Contemporanea expositio* (5 marks)

(v) *Reddendo singula singulis* (5 marks)

Question 7

- a) Examine the types of delegated legislation exploring the advantages and disadvantages in statutory interpretation. (20 marks)
- b) What is the extent of delegation that the Minister or any other delegate has in subsidiary legislation? (5 marks)

END OF EXAMINATION