

# ZIMBABWE EZEKIEL GUTI UNIVERSITY



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## FACULTY OF LAW

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### Department of Public law Statutory Interpretation LLB 108

EXAMINATION

29 NOVEMBER 2018

#### 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 2013 Constitution and 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.

**SECTION A Answer two questions from this section**

**Question 1**

- a. The Constitution of Zimbabwe Amendment (No. 20) Act 2013 gives powers to the executive to encroach into the business of Parliament. Discuss the justifications for this encroachment in statutory interpretation. [20 marks]
- b. List specific instances of the 2013 Constitution where there is encroachment (5 marks)

**Question 2**

Statutory interpretation is all about applying textual and contextual approaches to arrive at the intention of the law maker. Discuss the veracity of this statement.

[25 marks]

**Question 3**

- a. Regarding Parliamentary stages in the law-making process, explain the processes and main actors at all necessary stages [25 marks]

**Section B Answer two questions from this section**

**Question 4**

- (i) Using case law, distinguish between the golden rule and the mischief rule in statutory interpretation. (15 marks)
- (ii) With the aid of case law, discuss the meaning of the teleological approach to statutory interpretation. [10 marks]

### Question 5

Complementary rules are in fact regarded as contextual rules to statutory interpretation. Discuss this assertion [25marks]

### Question 6

Using examples, write short notes on the following maxims

- a. Contemporanea exposito [ 5 marks]
- b. Noscitur a sociis [ 5 marks]
- c. Expressio Unius est exclusio alterius [5 marks]
- d. Roddendo singular singularis [5 marks]
- e. Ejusdem generis [5 marks]

### Question 7

Presumptions to statutory interpretation are a powerful tool at law since they form the basis of a judicial officer's mind in interpreting a given provision.

Identify and discuss four presumptions that reference in statutory interpretation? [15 marks]

Discuss the importance of presumptions to statutory interpretation (10 marks)