

**UNIVERSITY OF ZIMBABWE  
STATUTORY INTERPRETATION LB105  
MAY/JUNE 2006 EXAMINATION**

**THREE HOURS**

**INSTRUCTIONS**

**ANSWER ALL QUESTIONS**

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**SECTION A (Answer questions in this section in essay form.)**

**Question 1**

Write notes (citing relevant cases) on what is meant by each of the following:

- The narrower (purely) textual theory of statutory interpretation
- The wider, contextual theory of statutory interpretation
- The judicial or 'free' theory of statutory interpretation.

In your notes, highlight the weaknesses and or strengths of each of these theories.

(20 marks)

**Question 2**

Discuss, in detail, the intention theory of statutory interpretation. In your discussion refer to the various criticisms that have been leveled against it.

(20 marks)

**SECTION B**

**Question 3**

Are rules of statutory interpretation rules of law?

(3 marks)

**Question 4**

What are the different view points on the true nature of presumptions of interpretation?  
Are they rules?

(4 marks)

**Question 5**

State at least ten presumptions of statutory interpretation citing case law authority where relevant.

(5 marks)

**Question 6**

With reference to the Interpretation Act, state at least eight internal aids to statutory interpretation.

(5 marks)

**Question 7**

State at least five external aids to statutory interpretation. You should cite case law authority.

(5 marks)

**Question 8**

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.”

**Can this provision apply in reverse if the mother has interim custody of the child? Write notes giving reasons for your view.**

(4marks)

b) Is a thumb print acceptable as a signature?

(2marks)

c) If a person is required to do something within 7 days from Tuesday 5 September 2006, on what date will the period end?

(2 marks)

d) Does the word “person” include reference to both a local and a foreign company (i.e. company registered outside Zimbabwe)

( 2 marks)

**Question 9**

An Act is passed in Zimbabwe governing the change of a person’s surname.

Section 3 of the Act provides that a Zimbabwean citizen domiciled in Zimbabwe may change his surname provided that he obtains the prior written approval of the Minister of Home Affairs to his intended change of surname.

Section 4 provides that the change of surname shall be effected by way of a Notarial Deed executed before a legal practitioner and that such change of surname shall not be effective unless registered with the Registrar of Deeds.

Section 5 provides that every such Notarial Deed “shall be lodged with the Registrar of Deeds for registration within 21 days from the date of execution thereof.”

After obtaining the requisite approval from the Minister of Home Affairs to change his surname, a client executed a Notarial Deed before his legal practitioner but due to an emergency surgical operation which the legal practitioner had to undergo, the legal practitioner was out of time in lodging the Notarial Deed for registration.

**Write notes advising on the legal position as regards the validity of the registration of the Notarial Deed.**

(8 marks)

**END OF QUESTION PAPER**

