

UNIVERSITY OF ZIMBABWE
STATUTORY INTERPRETATION LB105
DECEMBER 2009 EXAMINATIONS
THREE HOURS

INSTRUCTIONS

Answer **All** Questions

Make use of relevant case law material and other examples.

SECTION A

Question 1

"A statute is a legislative communication between the Legislature and the public that is inherently purposive. The interpreter must endeavor to infer the design or purpose which lies behind the legislation"

To what extent do the rules of interpretation in use in Zimbabwe reflect this approach to the interpretation of statutes?

(20 Marks)

Question 2

Define the "context" of a statute and discuss the use that Courts make of context in the interpretation of statutes

(20 Marks)

Question 3

The general principle is that anything done contrary to statutory provisions is null and void. Discuss the various rules developed by the Courts which apply to the application of this principle.

(20 Marks)

Question 4

Assume you are a Law Officer in the Attorney General's Office, responsible for drafting the Public Finance Management Bill (the "Bill") which has been referred to the Parliamentary Legal Committee (The Committee) for examination.

Clause 78 of the Bill provides:

The Minister shall have the power to:

a) Compulsorily acquire any number of shares held by any person in any public listed company if it appears to the Minister that it is in the public interest to do so

b) Terminate, for good reason shown, any investment license issued in terms of any law operating in Zimbabwe

The Committee is contemplating issuing an adverse report on the grounds that the provisions of both paragraphs (a) and (b) are in violation of the Declaration of Rights in the Constitution and have called you, the drafter, to show cause why they should not. **With reference to the presumptions of interpretation**, give reasons why the Committee should not issue an adverse report.

(10 Marks)

Question 5

Identify 5 parts in the anatomy of a statute and Discuss the use that courts make of those parts in the interpretation of that statute

(10 Marks)

END OF QUESTION PAPER