

UNIVERSITY OF ZIMBABWE
STATUTORY INTERPRETATION LB105
2007 EXAMINATION
THREE HOURS

INSTRUCTIONS

Answer **All** Questions

SECTION A

Question 1

The main object in statutory interpretation is to arrive at the legal meaning of an enactment.

Critically discuss how the courts seek to achieve this role?

(20 marks)

Question 2

Outline the literal rule and critically discuss its application in statutory interpretation.

(20 marks)

SECTION B

Question 3

Refer to the Interpretation Act (Chapter 1:01) and answer the following questions:

- (a) Philip is charged with contravening a section of the Road Traffic Act. While he still on remand, the relevant section of the Act is repealed. What should happen to his prosecution?

(4 marks)

- (b) The Electoral Act gives the Minister the power to appoint members of the Election Directorate. The Act is silent on whether or not the Minister has power to remove an appointed member of the Election Directorate.

Can the Minister remove such an appointed member?

(4 marks)

Question 4

Critically discuss the application of the maxims ejusdem generis and noscitur a sociis in statutory interpretation.

(8 marks)

Question 5

Section 4 of the Liquor Licensing Act prohibits the sale of alcohol to individuals within a distance of 100 metres from a bar operated under a special after hours license, that is between 8pm and 11:55pm. The special after-hours license permits the sale of alcohol to individuals without restriction after normal trading hours, officially beginning from 12:00 midnight and ending at 6:00am in the morning.

Mark was the owner of a bar for which he held a special after-hours license. On May day, his friend Temba, came and bought a bottle of beer at 10:50pm. Temba lived about four houses from the bar, around a corner which formed a 90 degrees from the bar. In other words, in order to get to the bar Temba would walk westwards, pass three houses, turn left at 90 degrees and pass one other house before getting to the bar. The distance between Temba's house and the bar using this route was about 130 metres. The shorter route between Temba's house and the bar, which formed the hypotenuse side (the side facing the 90 degrees angle), was difficult to use owing to a number of obstructions. This shorter route was estimated to be 95 metres.

Mark is charged under section 4 of the act for selling beer to Temba within the prohibited distance of 100 metres. He argues that the distance between his bar and Temba's house is longer than 100 metres, and further that the distance between the door of the bar and the door of Temba's house, which face away from each other, is estimated at some 105 metres, even using the shorter route (i.e the one estimated to be 95 metres).

What are Mark's chances of success in his defence?

(8 marks)

Question 6

(a) What is the legal position regarding the following aids of interpretation:

- (i) preamble
- (ii) headings
- (iii) marginal notes
- (iv) Parliamentary debates

(8 marks)

Question 7

With the aid of examples, explain the place of presumptions in statutory interpretation?

(8 marks)

END OF EXAMINATION QUESTION

