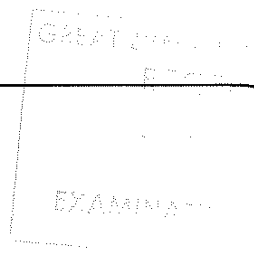
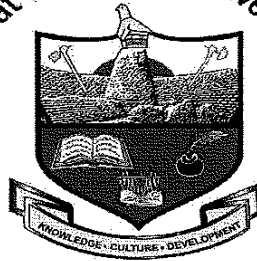


Great Zimbabwe University



HERBERT CHITEPO LAW SCHOOL
DEPARTMENT OF PRIVATE LAW
BACHELOR OF LAW HONOURS DEGREE
EXAMINATION QUESTION PAPER

MODULE CODE	LLB122
MODULE	INTERPRETATION OF LAW
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES

- 1. READ ALL QUESTIONS AND FOLLOW INSTRUCTIONS.**
- 2. THE EXAMINATION IS OUT OF 70 MARKS.**
- 3. SECTION A IS COMPULSORY, ANSWER ANY 2 QUESTIONS FROM SECTION B**
- 4. WRITE LEGIBLY!!!!!!**
- 5. THIS PAPER CONSISTS OF THREE PAGES, INCLUDING THE COVER PAGE**
- 6. STUDENTS MAY BRING INTO THE VENUE THE FOLLOWING STATUTES:**
 - i) The Constitution of Zimbabwe (2013)**
 - ii) The Interpretation Act (Chapter 1:01)**

SECTION A

This section is compulsory

Question 1

‘Presumptions of legislative intent often reflect basic legal values embedded in such concepts as “The Rule of Law or the Principles of legality.” The presumption against the ousting of the court’s jurisdiction, against retrospectivity, against unreasonableness, injustice, presumption in favour of principles of natural justice, the right to legal representation, presumption of mens-rea as a requirement for criminal liability illustrate the extent to which accepted methods of statutory interpretation seek to give effect to those legal values that constitute the pillars of the edifice of Roman-Dutch law. A judge is obviously at liberty to overlook these presumptions in favour of others less intimately associated with the “Rule of Law” or the principle of legality, or to invoke other rules of statutory interpretation in the course of his search for the intention of the legislature. As there is no hierarchy of rules of statutory construction or presumptions.....On the other hand, when a judge invokes such a presumption he does so in the secure knowledge that he is employing those rules of statutory interpretation that give best effect to the principles of Roman-Dutch law. In this sense they may be considered as “preferred presumptions” in the same way as certain of the more basic rights contained in the American Bill of Rights are regarded as “preferred presumptions” per **Devenish on Interpretation of Statutes Juta and Co. 1992 at page 200 citing Duggard Statutory Interpretation.**

In light of the above statement, discuss in full the following presumptions:

- a) The presumption against the ousting of the court’s jurisdiction; [5]
- b) The presumption against retrospectivity; [4]
- c) The presumption against unreasonableness; [4]
- d) The presumption against injustice; [4]
- e) The presumption in favour of principles of natural justice; [5]
- f) The presumption that the right to legal representation is not excluded; [4]
- g) The presumption of mens-rea as a requirement for criminal liability; [4]

SUB TOTAL: 30 Marks

SECTION B

Answer any TWO questions from the following

Question 2

Compare and contrast the four judgements (decisions) handed down in the case of **Jonathan Moyo and Others v Austin Zoma and Anor**, by Justice Patel in the High Court, and by Chidyausiku CJ, Malab DCJ, and Sandura JA in the supreme Court.

Critically analyse the use of the rules and principles of interpretation by the four learned Judges and also write which decision you agree with and why. [20]

Question 3

“The reason for this is that, to determine the purpose of legislation, it is necessary to have regard to the Act as a whole and not to focus attention on a single provision as decisive..... which might well result in a wrong conclusion.” See, Venter V R 1907 TS 5 910at913; Jaga v Donges NO. and Another 1950 (4) SA 653 at 662

Discuss this statement, making use of the internal aids to construction of statutes. [20]

Question 4

Compare and contrast the purposive theory of interpretation, the teleological theory of interpretation and the objective theory or delegation theory of interpretation. [20]

Question 5

Critically discuss the relevant principles that were discussed in the following cases:

- (i) George Pretorius Quinell vs. Minister of Lands Agriculture And Rural Resettlement & Others SC 31/10 [5]
- (ii) Kuvarega vs. Registrar General & Others 1998 (1) ZLR 188 [5]
- (iii) Commercial Farmers Union vs. Minister of Lands and Others 2000 (2) ZLR 469 (S) [5]
- (iv) Jaga versus Donges & Another 1950 (4) S.A.653 [5]

END OF EXAMINATION

SUBTOTAL: 70 Marks