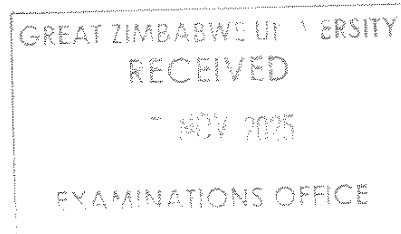


**HERBERT CHITEPO LAW SCHOOL
BACHELOR OF LAW HONOURS DEGREE
EXAMINATION QUESTION PAPER**

MODULE CODE	LLB 122
MODULE	INTERPRETATION OF LAW
DATE	2025
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

Ebrahim v Minister of the Interior 1977 (1) SA 665 (AD) illustrates how an approach to statutory interpretation can lead to different results.

- (a) Discuss and illustrate the application of the rule applied by the majority in its decision in that case. **[10 marks]**
- (b) In his dissenting judgement in the same case (Ebrahim v Minister of the Interior), Rumpff CJ applied another approach, holding that:

“The object of the statute was to preclude South Africans from obtaining dual citizenship whilst abroad and that Ebrahim’s fortuitous presence aboard a ship in South African territorial waters should not be allowed to frustrate the purpose (object) of the statute.”

Discuss the main differences between the theory applied by the majority in its decision in the same case and the construction applied by Rumpff CJ, in his dissenting judgement, indicating the strengths and drawbacks of both theories of construction.

[10 marks]

- (c) Compare and contrast the purposive theory of interpretation and the teleological theory of interpretation. Make reference to case law in your answer. **[10 marks]**

SECTION B

Answer any TWO questions from the following

Question 2

- (a) Define the doctrine of precedent and state its pros and cons. **[10 marks]**
- (b) Distinguish between ratio decidendi and obiter dicta. **[4 marks]**
- (c) With the aid of authority, compare and contrast the terms Legislative supremacy and Constitutional supremacy. **[6 marks]**

Question 3

Discuss and distinguish between the *eiusdem generis* and *expressio unius est exclusio alterius* maxims with reference to relevant case law. [20 Marks]

Question 4

In **Matiso versus Commanding Officer P.E. Prison 1994 (4) S.A (SE)** the court held: Despite the general apparent recognition that constitutional interpretation is different from ordinary interpretation, it is in my view important to understand why this should be the case especially for us in South Africa who were schooled in the tradition and concept of parliamentary sovereignty in the West Minister mould. The imperative notion of ascertaining the intention of the legislature does not apply in a system of judicial review based on the supremacy of the constitution, for the simple reason that the Constitution is sovereign and not the legislature. This means that statutory interpretation in our law should be different from what it was, the purpose now is to test legislation against the values and principles imposed by the Constitution.

Discuss how the provisions of section 46 of our Constitution, and other relevant provisions of the Constitution of Zimbabwe have changed the approach to interpretation of law in Zimbabwe. [20 Marks]

Question 5

Discuss why the following judgements are important for the theory and practice of interpretation of law:

(a) *Jaga v Donges* 1950 (4) SA 653 (AD) [10 Marks]

(b) *Heydon's case* (1584) 3 Co Rep 7a (76er 637) [10 Marks]

TOTAL MARKS: 70

END OF EXAMINATION PAPER