

UNIVERSITY OF SWAZILAND
DEPARTMENT OF LAW

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MAIN EXAMINATION PAPER, MAY 2011

TITLE OF PAPER : **INTERPRETATION OF STATUTES AND
LEGAL DRAFTING**

COURSE CODE : **L201**

TIME ALLOWED : **THREE (3) HOURS**

TOTAL MARKS : **100**

INSTRUCTIONS : **ANSWER FOUR (4) QUESTIONS**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR TO DO SO.**

Question 1

- (a) What is the significance of statute law? (20 marks)
- (b) How does a Bill become an Act? (5 marks)
- (Total marks= 25)

Question 2

What do you understand by the “ordinary-meaning rule”? (25 marks)

Question 3

- (a) Discuss the presumption that “statute law is not unjust, inequitable and unreasonable”. (10 marks)
- (b) Discuss the revocation of legislation. (15 marks)
- (Total marks=25)

Question 4

Discuss the following theories of statutory interpretation:

- (a) Purposivism (10 marks)
- (b) Literalism (10 marks)
- (c) Judicial activism (5 marks)
- (Total marks= 25)

Question 5

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In terms of section 139(2) of the Constitution of the Kingdom of Swaziland Act 1 of 2005 the High Court may strike down any legislation. Discuss. (25 marks)

Question 6

What is restrictive interpretation? (25 marks)