

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER, DECEMBER 2017**

**TITLE OF PAPER** : **INTERPRETATION OF STATUTES**  
**COURSE CODE** : **LAW207**  
**TIME ALLOWED** : **THREE (3) HOURS**  
**TOTAL MARKS** : **100**  
**INSTRUCTIONS** : **ANSWER ANY FOUR (4) QUESTIONS.**

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

**QUESTION 1**

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

**QUESTION 2**

Write short explanatory notes on the following:

- a) *Casus omissus*; (5marks)
- b) *Expressio unitus est exclusion alterius*; (5marks)
- c) *Ejusdem generis*; (5marks)
- d) *Nascitur a socitis*; and (5marks)
- e) *Cessante ratione legis cessat et ipsa lex*. (5marks)

(25 marks)

**QUESTION 3**

(a) How does delegated legislation relate to original legislation? (5marks)

(b) When does a statute come into force? (20marks)

(25marks)

**QUESTION 4**

Discuss the following presumptions to show you understand what they mean and how they are applied –

(a) The presumption against construing a statute so as to oust the jurisdiction of the superior courts. (13 marks)

(b) The presumption against interpreting a statute in such a way as to make it apply retrospectively. (12 marks)

(25 marks)

**QUESTION 5**

Critically discuss the Mischief Rule as an approach to statutory interpretation. In your discussion state the four considerations that underlie its application. **(25 marks)**

**QUESTION 6**

Section 2 (2) of the 2005 Constitution of the Kingdom of Swaziland confers a supremacy status on the Constitution. It further provides that if there is any other law that is inconsistent with the Constitution, that other law shall, to the extent of the inconsistency, be void.

You are to place this position of the Constitution side by side with the principle of the Sovereignty of Parliament and then:

- (a) Discuss what each of the two principles stands for. **(10 marks)**
- (b) In the field of statutory interpretation, state whether the power of judicial review conferred by section 2 (2) is consistent with the judicial function. Support your position. **(15 marks)**

**(25 marks)**