

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2018

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

In the decided case of *Venter v R* 1910 TS 910, Innes C.J laid down or suggested two approaches that would permit the departure or deviation by an interpreter , from the literal rule of interpretation. State these two approaches. (25 marks)

QUESTION 2

- a) Briefly explain intrinsic (internal) and extrinsic (external aids to statutory interpretation. (10 marks)
- b) Consider how useful they are in assisting judges to interpret Acts of Parliament. (15 marks)

(25 marks)

QUESTION 3

What is restrictive interpretation? (25marks)

QUESTION 4

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

(a) The presumption that “statute is not invalid or purposeless.” (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

Write short explanatory notes on the following-

- (a) The Mischief rule; (5marks)
- (b) The maxim *ejusdem generis*; (5 marks)
- (c) The courts' function in the interpretation of statutes: *judices est dicere non facere*; and (5 marks)
- (d) The presumption against construing a statute so as to oust the jurisdiction of the superior courts. (5marks)
- (e) The maxim *Noscitur a sociis*. (5 marks)

(25 marks)

QUESTION 6

- (a) Under what circumstances would a court determine that the provisions of a statute are peremptory? (15 marks)
- (b) Indicate, in each of the following sentences, whether the stated requirement is peremptory or directory. Give reasons for your answer.
 - (i) Any student of the University of Swaziland who wishes to appeal against his or results must do so within fourteen days of such results being published by the University. (5 marks)
 - (ii) The voters' list of the students' body of the University of Swaziland shall be drawn up before the 21st of September in each and every year by the Electoral Board of Students' Representative Council. (5marks)

(25 marks)