



SCHOOL OF LAW

NLLB106: INTERPRETATION OF STATUTES

END OF SECOND SEMESTER EXAMINATIONS

MAY/JUN 2025

LECTURER: C. MUNGUMA

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Do NOT write your name on the answer sheet.
2. Answer any 4 questions.
3. Credit is given for neat, logical and well written work.

Answer any four questions.

Question 1

In interpreting statutes in Zimbabwe, the Constitution remains an important external aid of construction. Discuss how the following parts of the Constitution are used to aid in the interpretation of statutes:

- a) The supremacy clause. [8 marks]
- b) The objectives clause. [5 marks]
- c) Declaration of rights clause. [8 marks]
- d) Foreign law clause. [4 marks]

Question 2

- a) With the aid of case law explain the mischief rule in statutory interpretation. [10 marks]
- b) What is the purposive rule of statutory interpretation? Highlight its main advantages over the text-based approaches. [15 marks]

Question 3

Critique the following statutory presumptions as they are applied by the courts:

- a) Presumption of Constitutionality. [13 marks]
- b) The legislature does not intend to alter the existing law or the common law more than is necessary. [12 marks]

Question 4

a) Rose a 32 year old Zimbabwean woman is married by civil law to a Liberian husband who has stayed in Zimbabwe for the past ten years. Their marriage has lasted for 13 years, since their marriage in the United Kingdom. Rose's husband has worked at the University of Zimbabwe as a Lecturer of Medicine. He also independently practices medicine as a specialist doctor of oncology. Two years ago Lacin, Rose's husband, was investigated by the Health Council for an act of misconduct. He was suspected of prescribing drugs to known drug addicts who would abuse the medicines for their pleasure. In particular, it was the contention of the Health Council that with the full knowledge that the medicines he was prescribing were not to be used to treat a disease or a condition, Lacin nevertheless, prescribed them for gain. The recipient of the prescription would use it to buy strong medicines/drugs from pharmacies, and thereafter use them to satisfy their addiction to those drugs. At least 3 such prescriptions were discovered. Lacin was exonerated of misconduct by the Health Council, through a technicality in that, the Council delayed prosecuting him until the charge became time barred.

After the disciplinary success from the Health Council processes, Lacin received a communication from the Minister of Home Affairs that he had become an undesirable inhabitant in terms of s14 of the Immigration Act (*Chap 4:02*). The letter informed him that,

in no later than 48 hours, he was supposed to leave Zimbabwe. It advised him that he was now a prohibited immigrant in Zimbabwe. Lacin appealed to the courts against the declaration demanding the reasons for the declaration by the minister and for an order staying his removal from Zimbabwe. The Minister of Home Affairs, in turn, produced a letter in terms of s22 of the Act. The letter in effect prohibited the release of the reasons stating that it was contrary to the public interest to do so. Section 22 (2) of the Immigration Act reads as follows:

“No information or reasons on which a decision in terms of section fourteen or a decision to withdraw or cancel a permit was made may be disclosed in any court if the Minister *certifies that its disclosure is not in the public interest, and no court may question the adequacy of the grounds for any such decision*”.

- a) As the presiding officer handling the case, explain how you will interpret section 22(2) of the Immigration Act. [18 marks]
- b) Illustrate the advantages of the purposive approach to statutory interpretation, in instances where older statutes are being used to deal with new issues (such as those brought by new technology). [7 marks]

Question 5

- a) Distinguish between peremptory and permissive provisions of a statute. In your analysis, provide specific statutory examples. [15 marks]
- b) Contrast the *text-based* approaches and the *text-in-context* approaches to statutory interpretation. [10 marks]

Question 6

- i) Analyse any four (4) maxims of statutory interpretation showing how they have been applied in case law. [20 marks]
- ii) How does the golden rule resolve some of the weaknesses of the literal rule in statutory interpretation? [5 marks]

End of Examination