



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. Begin your answer for each question on a new page.
4. Credit is given for neat, logical and well written work.

Answer any four questions.

Question 1

1. Section 46(1)(d) of the Constitution of Zimbabwe reads:

“(1) When interpreting this Chapter, a court, tribunal, forum or body —

(d) must pay due regard to all the provisions of this Constitution, in particular the *principles* and *objectives* set out in Chapter 2;”

With the aid of case law, discuss how *the principles* and *objectives* of the constitution help in the interpretation of the declaration of rights and statutes in general. [25 marks]

Question 2

During the elections for a new Bishop in the Church of Saints of God, supporters of Reverend Charles went to the election point wearing campaign T-Shirts with a picture of Rev Charles. Some supporters who had voted already, milled around the 50 metres radius of venue with such T-Shirts. At the back of T-Shirt appeared the words “*Deserving man of God*”. Other supporters of Rev Charles brought to the church hall, cars with similar pictures and words. The vehicles, had some fabric material emblazoned with the same pictures and words draped on the canopies and windscreens.

The church election rules prohibited candidates and their supporters from “uttering and chanting slogans” in favour of a candidate within a polling venue or from 100 meters of such a venue. Pastor Tom who was also contesting for the position of Bishop was not happy with the conduct of Rev Charles and his supporters and petitioned the High Court sitting at Mutare for an order stopping the wearing or displaying of campaign material at the election venue or within 100 meters thereof, arguing that it violated church election rules.

a) Using the principles and aids you have learnt, advise whether Pastor Tom will succeed in his case in the light of the church’s election rules as given above. [10 marks]

Maita wishes to institute an action in the magistrate’s court at Mutare, but has been told by the Clerk of Court that she must give an address for service which is not more than fifteen kilometres from the court house. Maita thinks that her house in Danganvura is within the required distance but is not certain which road she is required to use in calculating the distance. Advise her how the calculation of distance is done? [5 marks]

b) What is the golden rule of statutory interpretation? Is it still being used by the courts?

[10 marks]

Question 3

“The purposive approach to statutory interpretation is overly broad, biased in nature, gives judges too much power and ignores the composition of parliament in modern democracies.” Discuss the above view with the aid of case law. [25 marks]

Question 4

- a) “It is a cardinal principle of interpretation that every statute is *prima facie* prospective unless it is expressly or by necessary implication made to have retrospective operation.” Explain the principles regarding retrospectivity in the operation of statutes. [20 marks]
- b) What are the weaknesses of the literal rule of interpretation? [5 marks]

Question 5

“If the strict grammatical interpretation gives rise to absurdity or inconsistency, the Court could discard such interpretation and adopt an interpretation which will give effect to the intention of the legislature. This could be done, if necessary, even by modification of the language used.”

- a) Discuss the above rule of interpretation of statutes and refer to at least two decided cases in which the courts in order to avoid the absurdity in the literal rule, had to modify the language in order to arrive at the true intent of the legislature. [20 marks]
- b) Explain whether there is a distinction or not between interpretation and construction of statutes. [5 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 supremacy clause of the constitution assist in statutory interpretation? [5 marks]

End of Examination