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SCHOOL OF LAW

PBL 1203: STATUTORY INTERPRETATION

END OF SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: C. HAMADZIRIPI

DURATION: 3 HOURS

INSTRUCTIONS

- 1. Answer TWO QUESTIONS from Section A and TWO QUESTIONS from section B**
- 2. Candidates may bring into the examination room clean copies of the Interpretation Act [Chap 1:01]**

SECTION A (ANSWER ANY TWO QUESTIONS FROM THIS SECTION)

Question 1

a) Following concerns about suffering caused to animals by negligent owners, the government introduces new animal welfare legislation with tougher penalties. Section 1 of the Domestic Animals Protection Act 2010 states that the owner of an animal will be guilty of a criminal offence if the animal is caused avoidable suffering or is not kept in conditions that are conducive to its good health and well-being. Section 10 provides that 'animal' includes dogs, cats, rabbits, hamsters, rats, mice, horses, donkeys and other pets. Section 12 of the Act states that the owner of an animal is any person aged 16 or over who has purchased, been given or otherwise acquired an animal. Connor is a retired vet who lives in an isolated cottage in the middle of the countryside. He discovers a fox that has been hit by a car and takes it home to treat its injuries. He makes a nest for it in his shed and it takes up residence there once its injuries are healed. Connor feeds it every night. A homeless man breaks into the shed one night, looking for somewhere to sleep, and is bitten by the fox. He tells the nurse treating him at the hospital how his injury was caused and she alerts the authorities. A policeman visits Connor to remove the fox and notify him that he is likely to be prosecuted under section 1 of the Act for keeping the fox in unsuitable conditions.

Advise Connor as to whether he will incur liability under the Domestic Animals Protection Act

[20 marks]

b) Ben poisons his mother. He is charged and convicted of murder. His mother had not made a will. The Administration of Estates Act states that her estate shall be inherited by her next of kin. Ben is an only child, and his father passed away ten years ago.

Advise Ben as to whether he will inherit his late mother's estate.

[5 marks]

Question 2

a) Section 15 of the Citizenship Act of Zander provides that, “A Zanderian citizen, who whilst outside Zander, acquires citizenship or nationality of a country other than Zander, shall thereupon cease to be a Zanderian citizen.” In his speech, in the second reading of the Citizenship Bill, The Minister of Justice described the passing of this Law as necessary to prevent dual citizenship.

Tom is a Zanderian citizen. He is a sailor who sails regularly to Framacia. Whilst staying in Framacia for three months, Tom decides to apply for Framacian citizenship. He returns to Zander after lodging his application for citizenship. 2 months later, whilst Tom is in Zanderian territorial waters, the Government of Framacia confers Framacian citizenship to Tom. The Zanderian Government now seeks to revoke Tom’s citizenship on the basis of section 15 of the Citizenship Act. Zander’s Interpretation Act is similar to the Zimbabwean Interpretation Act [Chapter 1:01].

Tom approaches you for assistance. Advise him on whether his Zanderian citizenship can be revoked. **[10 marks]**

B) Jonah is served with summons on Friday, 27 March 2026. He is required to enter an appearance to defend within 7 days of receiving service of the summons. Taking into consideration that the Easter Holiday runs from Friday 3 April to Monday 6 April 2026, advise Jonah as to what is the last day he can enter an appearance to defend. Clearly explain your answer

[6 marks]

c) A well known investigative journalist, Dhara B, has been arrested for publishing or a communicating false information, contravening section 31(a)(iii) of the Criminal Law Code. Where an accused is found guilty of communicating a false statement, they will be liable to “... a fine up to or not exceeding level fourteen, or imprisonment for a period not exceeding twenty

years or both.” While the case is on trial, section 31 of the Criminal Code is amended. An accused found guilty of communicating a false statement will now be liable to imprisonment for five years. Whilst debating the amendment to this section in parliament, it was noted by the Minister of Justice in the 3rd reading of the Bill that “stiffer penalties must be imposed to deal harshly with detractors who would want to tarnish the image of the state through publishing false information.”

Dhara B is convicted. Clearly explaining your answer, what sentence is applicable to Dhara B? **[6 marks]**

d) A new statutory provision has just been crafted, it does not state the day when it is to be operative. When does it come into effect? **[3 marks]**

Question 3

The Minister of Transport recently issued a new statutory instrument which among other things, increases road fines to a maximum of USD100 and a minimum of USD40. Such fines are to be paid as spot fines in cash. Meanwhile banks in the country have been directed by the Central Bank to reduce weekly cash withdrawals to a maximum of USD20. The statutory instrument also provides for the impounding of cars of motorists who do not comply, and pay such fines.

a) John has been arrested and cannot pay the fine because he cannot access the cash. He argues that this law should not be complied with because it has been overtaken by events.

Advise John. **[12 Marks]**

b) Can the Statutory instrument be set aside for being against the presumption in favour of principles of natural justice and the presumption against unreasonableness? **[13 Marks]**

SECTION B (ANSWER ANY TWO QUESTIONS FROM THIS SECTION)

QUESTION 4

R.N. Graham, “Good Intentions”, (2000) 12 S.C.L.R. (2d) 147, at 185 notes that:-

“A careful study of cases involving statutory construction makes it appear that “legislative intention” is little more than a meaningless mantra that is invoked by judges who wish to justify holdings that are reached by intuition or other ill-defined means. By chanting ‘legislative intention’, the judge calms his or her nerves and casts responsibility for a case’s outcome on the drafters of a statute. Statutory interpretation can be a frightening exercise, but judges seem to feel that all will be well if they discover and rely on the ‘legislative intention’. Unfortunately, no one seems to know what the phrase ‘legislative intention’ really means.”

Discuss the above assertion in relation to interpretation of statutes in Zimbabwe. **[25 marks]**

QUESTION 5

“In the categorisation of whether a provision in an enactment is peremptory or directory, the criterion is not the quality of the command but the intention of the legislator, which can only be derived from the words of the enactment, its general plan and objects.”

With reference to case law, discuss the veracity of this statement regarding the classification of peremptory and directory provisions in Zimbabwe.

[25 marks]

QUESTION 6

Analyse any four (4) maxims of statutory interpretation, showing how they have been applied in case law. **[25 marks]**

TOTAL:

100

END OF EXAMINATION