



**UNIVERSITY OF ESWATINI  
INSTITUTE OF DISTANCE EDUCATION  
BACHELOR OF LAWS/DIPLOMA IN LAW  
FINAL EXAMINATION PAPER NOVEMBER 2019**

<b>TITLE OF PAPER:</b>	<b>INTERPRETATION OF STATUTES</b>
<b>COURSE CODE:</b>	<b>IDE LAW 207</b>
<b>TIME ALLOWED:</b>	<b>THREE (3) HOURS</b>
<b>INSTRUCTIONS:</b>	<b>ANSWER ANY FOUR QUESTION</b>

**NB: DO NOT OPEN THE QUESTION PAPER UNTIL PERMISSION HAS BEEN  
GIVEN BY THE CHIEF INVIGILATOR**

### Question One

*“In deciding to read words into a statute, a Court should also bear in mind that it will not be appropriate to read words in, unless in so doing a Court can define with sufficient precision how the statute ought to be extended in order to comply with the Constitution. Moreover, when reading in (as when severing) a Court should endeavour to be as faithful as possible to the legislative scheme within the constraints of the Constitution”*

With reference to legislations and decided cases discuss the above statement with regard to interpretation of statutes by the Courts. **[25 Marks]**

### Question Two

Discuss the various types of statutes that are common in our jurisdiction, illustrate your answer with reference to existing legislations in Eswatini.

**[25 Marks]**

### Question Three

Parliament of Eswatini has recently enacted the Sexual Offences and Domestic Violence Act, 2018 (Act No 15 of 2018).

In applying the canons of interpretation of statutes in Eswatini discuss the reasoning and intention of parliament in enacting this statute. **[10 Marks]**

Discuss the new elements which are being introduced by this Act in the criminal justice system of the Kingdom and the mischief that Parliament intended to restrain when enacting this legislation. **[15 Marks]**

**Total [25 Marks]**

### Question Four

- (a) discuss the interpretation of Statutes by **Parliament** and illustrate your answer with examples **[5 Marks]**

- (b) Discuss with reference to examples the Presumption against Retroactive Legislation and its sources in the making of Statute in Eswatini

[10 Marks]

- (c) What is a “long title” of a statute and what purpose does it serve in interpretation of statutes? Illustrate with examples.

[10 Marks]

[Total 25 Marks]

### Question Five

- (a) The Standing Orders of Parliament provides that a Public Bill cannot be tabled in Parliament unless it was previously published in a Government Gazette. Discuss the process in which a Public Bill undergoes before it can be referred to as a Bill and published in the government gazette.

[10 Marks]

- (b) Discuss the constitutional principle that was emphasized in the cases of *Ndzimandze and Others v Ndzimandze and Others (981)/14 [2014]* and *The Attorney General v The Master of the High Court (55/2014) [2016]* SZSC 10 (30 June 2016).

[15 Marks]

[Total 25 Marks]

### Question Six

Write short notes on the following with regarding to the process of making of a statute in Eswatini:

- (a) The role of Cabinet; [4 Marks]
- (b) The role of a Parliamentary Counsel; [4 Marks]
- (c) The role of the Attorney General; [4 Marks]
- (d) Introduction of a bill in Parliament; [5 Marks]
- (e) Joint sitting of Parliament [4 Marks]
- (f) When laws of the Kingdom of Eswatini come into operation [4 Marks]

[Total 25 Marks]

### Question Seven

There are various presumption which are often used by the Courts when interpreting statutes. Discuss the presumption that was emphasized by Rooney J (as he then was) in the case of *Mary Dlamini v The King, High Court Review Case No. 126/91*. **[25 Marks]**