



PROGRAM : LLB

MODULE : INTERPRETATION THEORY
INTERPRETATION OF STATUTES

CODE : ULL0024
ITH41B0

DATE : Special Examination

DURATION : 3 hours

TOTAL MARKS : 60

EXAMINER : Prof MJ van Staden
Ms N Deokiram

MODERATOR : Dr R Venter

NUMBER OF PAGES : 3 (including this one)

INSTRUCTIONS:

1. If you experience any problems regarding the exam, you must inform the lecturer thereof as soon as possible (**mvanstaden@uj.ac.za**).
2. Your answers must be typed and saved in a Word document/PDF or handwritten, photographed and saved as PDF. Answers must be clear and legible. All pages must be clearly numbered.
3. Save your document as your surname, followed by your initials. **Do not** save the exam as "Interpretation" or "Exam" or anything similar.
4. Submit the answer sheet by emailing it to mvanstaden@uj.ac.za. Keep proof that you have submitted the assignment.
5. Double check to make sure that you have entered the email address correctly.
6. Students must answer all questions. All questions must be clearly numbered.
7. The use of footnotes is not required. However, wherever appropriate you must refer to authority.
8. Students may use all study materials in their possession when answering the exam paper, including consulting case law and legislation online.
9. By submitting their test script students agree to adhere to UJ's policy on plagiarism and rules related to the writing of tests and exams. Students may under no circumstances contact any other person for assistance in answering the test paper. Any academic transgressions will be followed by disciplinary action by the University.
10. Students who transgress any of these instructions will be penalised.

Question 1

- 1.1 Teleological interpretation and purposivism. (2)
 - 1.2 Subsecuta observatio and contemporanea expositio. (2)
 - 1.3 Intentionalism and literalism-cum-intentionalism. (2)
 - 1.4 Peremptory provisions and directory provisions. (2)
 - 1.5 Dis-integration and hyper-integration. (2)
- [10]**

Question 2

List and explain under which circumstances the courts are entitled to amend the *ipsissima verba* of a legislative provision.

[15]

Question 3

Discuss, with reference to authority, whether secondary provincial legislation may prevail over primary national legislation.

[5]

Question 4

- 4.1 What is the dominant approach of the South African Constitutional Court to the interpretation of statutes? Motivate your answer with reference to authority. (5)
 - 4.2 Is grammatical interpretation a throwback to literalism? Motivate your answer. (5)
- [10]**

Question 5

List five presumptions of statutory interpretation and indicate in each case which constitutional value is advanced by these presumptions..

[10]

Question 6

Consider the following calendar and answer the following questions:

DECEMBER 2021						
Son	Mon	Tues	Wed	Thurs	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JANUARY 2022						
Son	Mon	Tues	Wed	Thurs	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Please note that the following days are public holidays:

- 16 December 2021 - Day of Reconciliation
- 25 December 2021 - Christmas Day
- 26 December 2021 - Day of Goodwill
- 27 December 2021 – Public Holiday
- 1 January 2022 - New Year's Day

Further note that the courts will close at 16h00 on 10 December 2021 and that they will open on the morning of 3 January 2022.

- 6.1 Calculate 9 **days** from 6 December 2021 according to the normal statutory method. (2)
 - 6.2 Calculate 10 **days** from 6 December 2021 according to the normal statutory method. (2)
 - 6.3 Calculate 14 **days** from 6 December 2021 according to the normal statutory method. (2)
 - 6.4 Calculate 9 **court days** from 6 December 2021 according to the normal statutory method. (2)
 - 6.5 In terms of the rules of the Madibeng Body Corporate, there must be at least 3 open days between successive meetings of the Executive Committee of the Body Corporate. Assume that a meeting was held on 17 January 2022, on which date is it possible to hold another meeting (as soon as possible)? (2)
- [10]**

Total: [60]