INTERNAL EXAMINER : MS A. BEHARI
INDEPENDENT MODERATOR : MS J. EASTHORPE

INSTRUCTIONS

1. Students are requested, in their own interests, to write legibly.
2. This paper consists of FIVE (5) pages. Please ensure that you have them all.
3. All questions are compulsory and must be answered.
QUESTION 1

Briefly describe the following internal and external aids which can be used in interpreting statutes. Reference to relevant case law must be referred to in your answer.

(a) The Preamble; [5 marks]

(b) The Long title; [5 marks]

(c) Headings; [5 marks]

(d) Schedules. [5 marks]

[Total Q1: 20 marks]
QUESTION 2

(a) What is meant by “concretisation?”

[5 marks]

(b) Explain the difference between the “text-based viewpoint” and the “text-in-context viewpoint” of the law-making discretion of the courts.

[10 marks]

[Total Q2: 15 marks]

QUESTION 3

A well known artist collects 30 copies of his water-colour paintings into a limited edition coffee table book. The publishers advertise 100 copies of the book online which can be purchased from www.waterart.org.za for R1000.00 per book. The artist approaches you as a knowledgeable law student for advice regarding whether he must lodge a copy of the book in the state’s Legal Deposit library in terms of the Legal Deposit Act, 17 of 1982. This Act requires all publications to be lodged with such library. The Act defines a publication as “a printed book, newspaper, magazine, periodical, journal, pamphlet, brochure, sheet, card or portion thereof or any similar printed matter.”
With reference to case law, advise the artist on:

(a) Explain fully what you understand by "restrictive interpretation?"

[5 marks]

(b) How maxims may be used to reduce the initial meaning of the text.

[10 marks]

(c) Which maxim the court would use to assist it in interpreting the definition of the word "publication" in terms of the Publication Act, 17 of 1982 and the legal obligations of the artist with regard to the interpretation of the provision.

[5 marks]

[Total Q3: 20 marks]
QUESTION 4

(a) In *National Coalition for Gay and Lesbian Equality v Minister of Home* 2000 (2) SA 1 (CC), the Constitutional Court laid down a number of factors/principles to be followed before "reading-in" can be applied. List these factors/principles.

[5 marks]

(b) Distinguish between the corrective techniques of interpretation of law known as "reading-up" and "reading-in". Refer to case law in your answer.

[10 marks]

[Total Q4: 15 mark]

TOTAL FOR PAPER: 70 MARKS