



THE UNIVERSITY OF THE SOUTH PACIFIC  
UNIVERSITY EXTENSION

EXAMINATION PAPER  
SEMESTER 2/ 2005

<b>COURSE TITLE: LAC03 – Legal Interpretation</b>	
<b>DURATION OF EXAM:</b>	<b>Three (3) hours</b>
<b>TOTAL NUMBER OF PAGES:</b>	<b>Four (4) including cover page</b>
<b>MARK VALUE:</b>	<b>50%</b>
<b>NUMBER OF SECTIONS:</b>	<b>Two (2)</b>
<b>NUMBER OF QUESTIONS:</b>	<b>Five (5)</b>
<b>NUMBER OF QUESTIONS TO BE ANSWERED</b>	<b>Two (2)</b>
<p style="text-align: center;"><b><u>Instructions</u></b></p> <ol style="list-style-type: none"><li>1. <i>Part I</i> is compulsory and must be answered by all candidates</li><li>2. Candidates should answer only one (1) question of their choice in <i>Part II</i></li><li>3. Exam is worth 50% of total assessment for the course.</li><li>4. Where required, answers should be supported with legislation or cases</li><li>5. Candidates are not allowed to take into the examination room course material</li><li>6. Total no. of questions is 5</li><li>7. No. of questions to be answered is 2.</li></ol>	

Approved *[Signature]* 11/10/05

**PART I      COMPULSORY QUESTION**

**Question 1 (40 marks)**

The ANIMALS ACT 1975 of the Republic of Emalus provides as follows:

**s.2** 'Director' means the Director of Animal Welfare appointed under this Act.

**s.4** Subject to the provisions of this Act, no person shall keep in his possession or on his premises animals that pose a physical threat or danger to the safety of human beings.

**s.7** No person shall import into the country any alien animal species or product of the same without a permit being issued by the Director.

**s.20(1)** No person shall operate a zoo without a permit issued under this section.

(2) An application for permit to operate a zoo shall be made in writing to the Director, who, subject to consultation with and approval by the Animal Parks Authority, may issue such permit.

(3) No permit shall be issued unless the applicant proves to the satisfaction of the Director all of the following:

- (i) animals will be kept within well secured enclosures or in cages;
- (ii) the zoo will be operated under 24hr supervision of trained animal handling experts;
- (iii) crocodiles, bull-dogs, tigers or any other animal shall be kept in cages or enclosures with walls of at least 2 metres in height; and
- (iv) all four-legged animal species are to be sprayed with disinfectants at least twice a month.

(4) The permit issued by the Director shall be subject to renewal every twelve months.

**s.21** No permit shall be renewed unless the Director is satisfied that all the grounds in section 20(3) are met by the permit holder.

*Nati* is a citizen of Emalus and is fond of animals. As a lawyer, you were approached by various parties, including *Nati*, for legal advice. Using the *Animals Act 1975* and the rules, presumptions, and maxims of interpretation, advise *the parties* as to the scenarios set out below.

- (a) *Nati* has a lion kept in a wooden cage at his home. Last week he was issued a warning letter by the Department of Animal Welfare to surrender the lion or face prosecution for breaching the Act. Please advise if he can keep the lion at home. **(5 marks)**
- (b) *Nati* also keeps 6 harmless lizards the average length of which is 5cm, in a small glass box. Officers of the Department also threatened to destroy the lizards. Advice if *Nati* breaches the Act by keeping the lizards, and also advice if the Officers have any legal rights under the Act to destroy the lizards. **(5 marks)**
- (c) Because of the difficulty of catching one, last week he imported a cobra snake of the same family or species that can also be found locally in the wild terrains of Emalus. The cobra snake was seized by Quarantine Officers upon arrival at the airport, arguing that *Nati* does not have a permit to import the snake. Advice if the action by the Quarantine Officers is authorised under the Act. **(5 marks)**
- (d) Interested to operate a zoo, *Nati* applied to his good friend, the Director, for a permit and was immediately issued with one the same day. The Chairman of the *Animal Parks Authority* wishes to challenge the validity of the Director's decision to issue the permit. Can the Director successfully defend his decision in issuing the permit? **(5 marks)**
- (e) *Nati's* application to renew his permit upon expiry was refused by the Director on the ground that the wolves kept in the zoo were reproducing too fast. Can he successfully challenge this decision, and if so, on what ground(s)? **(5 marks)**
- (f) The Director refuses to renew *Nati's* permit because he stops Quarantine officers from regularly spraying with disinfectant some wolves, dogs, and lions that were deformed at birth, resulting in fewer legs than normal for any such animal. He claims that the requirement for all four-legged animals to be sprayed routinely does not apply to the deformed animals as they do not have four legs each. Advice whether he can successfully challenge the Director's decision not to renew his permit. **(5 marks)**
- (g) The Department of Animal Welfare intends to close the zoo because *Nati* fails to comply with the Act by keeping his rabbits in enclosures with walls that are less than 2m in height. What will you advise them? **(5 marks)**
- (h) He acquired his permit in March 2003. On December 21 the same year, he received a letter from the Dept. of Animal Welfare, advising him that he has only 10 days left to apply for renewal of his licence as the year is coming to an end. What is your advice to *Nati*? **(5 marks)**

**PART II      SHORT ANSWER (Answer only one (1) question of your choice)**

**Question 2 (10 marks)**

Outline and explain the stages or process that a court will go through whenever required to give interpretation to a provision in a specific statute, for eg. *Land Sales Act*.

**Question 3 (10 marks)**

When interpreting a contract, under which circumstances will a court admit extrinsic evidence?

**Question 4 (10 marks)**

Discuss at least three (3) ways in which an Interpretation Act will assist in giving meaning to a word in another statute.

**Question 5 (10 marks)**

Explain with an example how the *expressio unius est exclusio alterius* rule operate.