UNIVERSITY OF NAMIBIA

SCHOOL	LAW		
DEPARTMENT	PUBLIC LAW AND JURISPRUDENCE		
SUBJECT	LEGISLATIVE DRAFTING AND INTERPRETATION		
SUBJECT CODE	L3611BL (New Curriculum)		
DATE	MAY /JUNE 2026		
DURATION	180 MINUTES	**MARKS**	100

FIRST OPPORTUNITY EXAMINATION 2026

Examiner: Dr. Kennedy Kariseb (University of Namibia)
Moderator: Dr. Annie Singh (University of KwaZulu Natal)

This question paper consists of THREE (3) pages, including the cover page.

Instructions:

1. Answer ANY TWO QUESTIONS from the assigned questions.
2. Kindly UNDERLINE AFTER EACH QUESTION.
3. Clearly indicate your centre of registration. Either [F] for Face to Face and [O]nline for ALL online students.
4. Please write legibly, and to the point.

QUESTION 1 **[50 MARKS]**

By reference to the hypothetical below draft by shorthand of some essential provisions of the purported legislation bearing in mind the standard anatomy of a legislation:

It is the year 2030 and the Namibian Parliament has already considered twenty-eight (28) pieces of legislation for the year. The Minister of Basic Education, Ms Mashaba, intends to introduce a new Basic Education law next with the aim to amongst others amend the Basic Education Act 7 of 1997 to amongst others promote and regulate free and compulsory basic education; to ensure equitable inclusive quality education and lifelong learning; and to provide for the establishment, accreditation, registration, governance and management of private schools and hostels for incidental matters relating to basic education.

In the proposed legislation, as envisaged under clause 12, the Minister seeks to make regulations that will provide for the annual school and hostel time schedule.

Furthermore, one of the provisions under clause 17 of the Bill is worded as follows: "children shall have the right to basic education in all public schools..."

1.1. Indicate the most probable short title of this proposed legislation **/3 marks**

1.2. Draft by reference to the definitional clause, how or what would be the most appropriate definition to be assigned to the term "Minister" in this proposed legislation **/2 marks**

1.3. Draft the most probable long title of this proposed legislation **/3 marks**

1.4. Draft the most probable description of the proposed clause 12 in this proposed legislation **/2 marks**

1.5. Briefly discuss in full by reference to applicable legal provisions the post-parliamentary stage processes this proposed legislation has to undergo in order for it to be operational **/20 marks**

1.6. Which organs of State are responsible for the (a) "interpretation" and (b) "execution" of this proposed legislation once it becomes operational? **/4 marks**

1.7. With reference to basic statutory presumptions should the reference to "children" in the clause 17 of the proposed legislation be understood as "gender" neutral? Elaborate fully. **/5 marks**

1.8. If passed by Parliament how many other statutes have preceded the proposed legislation. **/1 mark**

1.9. List any ten (10) aids of interpretation. **/10 marks**

AND /OR

QUESTION 2 **[50 MARKS]**

With reference to applicable case law, discuss any four 'presumptions of statutory interpretation' /50 marks

AND/OR

QUESTION 3 **[50 MARKS]**

With reference to case law, discuss any three 'rules of statutory interpretation' /50 marks

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