Mr Johannes Steyn does not have a driver's licence. However, one evening, while out with his friends, the car in which they are travelling stalls because they had left the lights on while visiting a pub. Johannes' friends tell him to sit behind the wheel of the car and steer the car to the side of the road whilst the rest of them push the car. While proceeding in this fashion down the street, a traffic officer approaches the car, and demands to see Johannes’s driver's licence. When Johannes indicates that he does not have one, and that he is not technically driving, he is arrested in terms of section 19 of the Traffic Offences and Liabilities Act 13 of 2008, which provides that it is a criminal offence to drive a vehicle without an appropriate driver's licence.

Advise Johannes, whether or not he has committed an offence. Apply the literal and mischief rules of interpretation, with reference to relevant case law.

(20 marks)

QUESTION 2

In S v Mhlungu 1995 (3) SA 867 (CC) at 873D, Mohamed J held:

‘South African statutory law, prior to the enactment of the Constitution, is replete with the most disgraceful and offensive legislation which discriminates against South Africans of colour and criminalises, arbitrarily and purely on the grounds of race and colour, perfectly innocuous acts of life and living by such citizens’.

Discuss this passage in the context of the presumption that the Legislature does not intend to be unreasonable or create injustice. Use relevant case law in support of your argument.

(20 marks)
QUESTION 3

C Botha in *Statutory Interpretation* at 67 states that: ‘the intention of the legislature’ refers to the fictional collective intent of the majority of the legislative body…’

Critically discuss this statement with reference to case law. (20 marks)

QUESTION 4

Discuss and distinguish the *eiusdem generis* and *expressio unius est exclusio alterius* maxims with reference to relevant case law. (20 marks)