

DTMS PAST PAPERS
MANAGEMENT STUDIES

SIR ARTHUR LEWIS COMMUNITY COLLEGE
DIVISION OF TECHNICAL EDUCATION AND MANAGEMENT STUDIES

EXAMINATION SESSION : May 2001 Final Examination
TUTOR(S) : Mr George Charlemagne
PROGRAMME TITLE(S) : Para Legal Studies
PROGRAMME CODE(S) : PAR354
COURSE TITLE : Family Law
COURSE CODE : FAL3221
CLASS(ES) : Year 2
DATE : May 18th, 2001
COMMENCEMENT TIME : 9:00 am
DURATION : 2 hours
INVIGILATOR(S) :
ROOM(S) : Admin - Room 1



#L3

INSTRUCTIONS

- *This Exam Contains Six (6) Questions. Students must do three (3) of the six (6) questions*

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1. Alf was a simple man aged 45 with Large savings. Beatrice was an attractive scheming girl aged 16. Beatrice made friends with Alf, slept with him, took him home to her parents and accepted his offer of marriage. Alf gave her a diamond engagement ring, some smart dresses and a walkman radio. At the wedding Alf's friends gave the couple expensive presents and Alf threw a massive wedding reception.

Six (6) months after the wedding Beatrice gave birth to a baby boy. He is now one year old. Alf has just discovered as a result of blood tests that he is not the father of the child and has learnt that Beatrice was having an affair with another man right up to the date of the wedding. Alf wishes to bring totally to an end his relationship with Beatrice.

Advise Alf and consider whether Alf and the wedding guests may recover any objects given or expenditure undertaken.

2. Jankie and Annie joined up with a group calling itself the "Peace and Love Church". Jankie aged 19 and Annie aged 16 went through a ceremony of marriage after obtaining a licence from the Attorney General's Chambers last month. The marriage ceremony was performed by the elder "Jah Ted" at dawn on Vigie Beach. Annie had told her parents that she was getting married.

Following the marriage ceremony Jankie and Annie spent a weekend in "the heights" in an effort to consummate the marriage. However, this was unsuccessful because Jankie was nervous and Annie was worried about her parents reaction to the marriage. As a result Jankie's confidence was damaged and he refused to attempt to consummate the marriage again until he received counseling.

During the course of the counseling Jankie fell in love with his counselor Imma and they began a sexual relationship.

Annie who felt that Jankie was cured asked him to consummate the marriage. Jankie told her to wait until the therapy ended. Jankie has now moved in with Imma explaining to Annie that the move would result in a quicker end to the therapy. Annie now comes to you for advice as to whether her marriage to Jankie can be terminated.

Advise Annie

3. Henily and Diane were close friends for three (3) years. Diane's father warned Henily that if a wedding did not take place soon there certainly would be a funeral.

Alarmed Henily promised to marry Diane and on the wedding day to boost his courage for the ceremony, got drunk. Diane peevd at Henily's drunken behaviour at the wedding refused to consummate the marriage. Henily and Diane lived together for six (6) months without sexual relations before Henily left the matrimonial home.

A month later Henily returned because Diane promised that they could "make a fresh start". Henily now discover that he has become impotent and is unable to have sexual relations with Diane.

Advise Henily and Diane on their respective legal positions

4. Harry and Wendy were married five (5) years ago. Harry insisted that Wendy give up her job so as to look after the house and Wendy reluctantly did so. Wendy was not a good cook, did not like staying in the house and took to drinking more than was good for her. The couple frequently had noisy quarrels. In the course of one of these Harry said he was going to leave Wendy if she did not mend her ways; Wendy said he could please himself and she would be glad to see him go. Two (2) days later when Harry again did not like the meal which Wendy had cooked for him, he took a suitcase and left. At that moment Wendy was asleep and drunk.

Wendy soon afterwards found another job. After 18 months they met by chance at a party, started talking and decided to get back together.

They went home together and were very happy indeed for a week. The quarrels then started again, Wendy resumed drinking and as a result was fired from her job. After 5 months Harry left Wendy in exactly the same circumstances as on the previous occasion. That was 9 months ago.

Advise whether Harry or Wendy can successfully apply for a divorce?

5. “Unfortunately the question of maintenance [of a wife by her husband] is still entangled with the outworn concept of the matrimonial offence” {L. Neville Brown}.

Discuss this statement with reference to St Lucian matrimonial law

6. Your friend Hydie who is a 24 year old Canadian citizen wishes to adopt a 6 month old St Lucian child whom she met at the Victoria Hospital whilst she was on holiday in St Lucia. She wants to know:

- (a) ***what are the legal requirements for adopting the child? and***
- (b) ***what are the documents to be filed and the procedural steps to be followed?***