

FORM TP 2016235



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CARIBBEAN EXAMINATIONS COUNCIL

CARIBBEAN ADVANCED PROFICIENCY EXAMINATION®

LAW

PUBLIC LAW

UNIT 1 – Paper 02

2 hours 30 minutes

READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

1. This paper consists of SIX questions, TWO questions based on EACH module.
2. Answer ONE question from EACH module.
3. Write your answers in the spaces provided in this booklet.
4. Do NOT write in the margins.
5. If you need to rewrite any answer and there is not enough space to do so on the original page, you must use the extra lined page(s) provided at the back of this booklet. **Remember to draw a line through your original answer.**
6. **If you use the extra page(s) you MUST write the question number clearly in the box provided at the top of the extra page(s) and, where relevant, include the question part beside the answer.**

DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO.

SECTION A

MODULE 1: CARIBBEAN LEGAL SYSTEMS

Answer ONE question from this section.

EITHER

1. During jury selection, the prosecutor learns that Nicolas has spent five years in prison. Mary, a housewife, applies for exemption because she has the flu. Two days into the trial, Justice Anderson learns of the recent divorce between, Tom, a juror, and Wendy, the defendant.
- (a) Briefly discuss ONE reason why Justice Anderson could dismiss Tom as a juror. [4 marks]
- (b) Discuss whether Nicholas and Mary could be disqualified from serving on the jury. [6 marks]
- (c) Discuss THREE advantages and THREE disadvantages of the jury system in a named Commonwealth Caribbean state. [15 marks]

Total 25 marks

OR

2. You are now an attorney attached to the Office of the Ombudsman. You are invited by the sixth form students of your former high school to address them on the relevance of the Office of the Ombudsman in protecting citizens' rights from abuses in society. Write the address that you will deliver to the students. In your address
- (a) Define the term 'ombudsman'. [2 marks]
- (b) Describe briefly FOUR functions of the ombudsman. [10 marks]
- (c) Explain briefly THREE advantages of seeking redress from the ombudsman rather than the court system. [6 marks]
- (d) Briefly explain THREE limitations of the ombudsman in protecting the rights of citizens. [7 marks]

Total 25 marks

SECTION B

MODULE 2: PRINCIPLES OF PUBLIC LAW

Answer ONE question from this section.

EITHER

3. (a) (i) Briefly explain what is a 'service commission' and give TWO examples of service commissions, other than the police service commission. **[4 marks]**
- (ii) With reference to ONE decided case, outline TWO functions of a service commission in a Commonwealth Caribbean state. **[6 marks]**
- (b) In the State of Baroniah, the Police Service Commission (PSC) suspends the Commissioner of Police (COP) from office for over a year. The COP is then removed from office without a hearing. It is later found out that John, a former police officer, sat as a member of the PSC when it decided to suspend and remove the COP from office. The COP had previously recommended John's removal from the police service.
- Advise the COP whether he can challenge the lawfulness of his suspension and removal from office. **[15 marks]**

Total 25 marks

OR

4. (a) Describe THREE features of the following organs of the state:
- (i) Parliament
- (ii) Executive **[12 marks]**
- (b) Mr McDonald is appointed as a High Court judge to sit in the family division. The prime minister does not like Justice McDonald. The prime minister tables a Bill in Parliament entitled "The Family Magistrates Act" which gives to three magistrates the jurisdiction previously enjoyed by a High Court judge in the family division. The Bill is passed and becomes law.
- Advise Justice McDonald on whether he can successfully challenge the constitutionality of The Family Magistrates Act. **[13 marks]**

Total 25 marks

SECTION C

MODULE 3: CRIMINAL LAW

Answer ONE question from this section.

EITHER

5. When Mark finds out that his wife, Elisha, is cheating on him, he devises a plan to kill her and informs his best friend, Ian, of his plan. Mark arrives at Elisha's office building and climbs onto a fence in order to get a clear view of her office window. He aims his gun, loses his balance and falls, accidentally discharging the gun at the same time. The bullet misses Elisha but strikes Sandra, killing her and her unborn child.

- (a) With reference to TWO decided cases, discuss Mark's liability for the death of Sandra and her unborn child. **[15 marks]**
- (b) With reference to ONE decided case, discuss Ian's liability, if BOTH he and Mark had agreed that Mark should kill Elisha. **[10 marks]**

Total 25 marks

OR

6. Justice Minister Glasgow explains to parliament that the incarceration of offenders has led to a serious problem of overcrowding at the nation's prisons. He, therefore, proposes the need to explore other types of sentencing and other reasonable measures in order to reduce the overcrowding.

- (a) Explain to Minister Glasgow how retribution and rehabilitation function as theories of sentencing. **[12 marks]**
- (b) Discuss any FOUR alternative forms of sentencing or other reasonable measures that Minister Glasgow could recommend to parliament. **[13 marks]**

Total 25 marks