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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 an 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.**

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SECTION A

MODULE 1: CARIBBEAN LEGAL SYSTEMS

Answer ONE question from this section.

EITHER

1. “Law, religion and morals exist simultaneously to uphold the rules of proper social behaviour that are necessary for the achievement of social cohesion in every well-ordered society.”

(a) Explain THREE differences between ‘law’ and ‘morality’. **[10 marks]**

Mr Consile advertises on his facebook page for workers to provide ‘escort services’ for customers of his nightclub. Two weeks later, he is arrested and charged for the offence of ‘conspiracy to corrupt public morals’. Mr Cornsile is convicted and sent to prison for 15 years.

(b) With reference to TWO decided cases, discuss THREE ways in which EACH of the following may have influenced the outcome of the case.

(i) Religion

(ii) Morality **[15 marks]**

Total 25 marks

OR

2. “Over the years Caribbean judges have consistently utilized the rules of statutory interpretation in determining the meaning of statutes.”

(a) (i) Outline TWO advantages of utilizing the literal rule of statutory interpretation. **[4 marks]**

(ii) With reference to ONE decided case, explain the mischief rule of statutory interpretation. **[6 marks]**

(b) Brad murders his mother, Jane, who has not made a will. Jane leaves a house and money in the bank. Her two sons, Brad and Peter, are her next of kin. Section 7 of the Administration of Justice Act provides that the next of kin shall inherit the deceased’s property.

(i) State the rule of statutory interpretation that would apply in this case.

(ii) Advise Peter on whether or not he can succeed in a court action challenging Brad’s right to a share in their mother’s property. Use TWO decided cases to support your argument. **[15 marks]**

Total 25 marks

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SECTION B

MODULE 2: PRINCIPLES OF PUBLIC LAW

Answer ONE question from this section.

EITHER

3. (a) Outline THREE universal principles of 'the rule of law'. **[10 marks]**
- (b) Elections are held in the State of Greluc and the People's Party comes into power. The first act of the new government is to confiscate all lands belonging to former sugar plantation owners, including Mr Williams. No compensation is paid to any of the plantation owners. Mr Williams is detained when he prevents government officials from entering his property.

Advise Mr Williams on whether or not he can successfully bring an action against the State of Greluc for breach of his fundamental rights. Use TWO decided cases to support your argument. **[15 marks]**

Total 25 marks

OR

4. (a) Outline THREE essential features of the right to be heard. **[10 marks]**
- (b) In the State of Bonaba, the government provides free education up to the tertiary level. In 2016, the government decides that all students entering university in 2017 will have to pay 20 per cent of the university fees.

Nolan, a student from a poor family, cannot afford to enrol for his third year of university.

Advise Nolan on whether or not he can successfully bring an action against the State of Bonaba for breach of his legitimate expectation. Use TWO decided cases to support your argument. **[15 marks]**

Total 25 marks



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SECTION C

MODULE 3: CRIMINAL LAW

Answer ONE question from this section.

EITHER

5. (a) Outline the elements of the following offences, using ONE decided case for EACH in support of your answer:
- (i) Theft
 - (ii) Robbery
- (b) Tom owes Rowdy, a DJ, money for performing at an all-inclusive party. After several attempts at trying to collect his money, Rowdy is now very angry. One night Rowdy visits Tom's house, only to discover that no one is at home. Rowdy, in a fit of rage, starts throwing rocks at the house. In so doing, he damages the windows and furniture in the house.

[10 marks]

Advise Rowdy as to his criminal liability. Use TWO decided cases to support your argument.

[15 marks]

Total 25 marks

OR

6. (a) Outline the following special defences available on a charge of murder, referring to ONE decided case for EACH defence:
- (i) Provocation
 - (ii) Diminished responsibility
- (b) At birth, Singh was diagnosed with a brain injury. The injury impairs his ability to control his temper, which often leads to violent behaviour. Plato usually uses Singh's tools without permission. On finding this out, Singh, in a fit of rage, strikes Plato who falls, hits his head and dies.

[10 marks]

Advise Singh of a possible defence he may have on a charge of murder. Use TWO decided cases to support your argument.

[15 marks]

Total 25 marks

