



FORM TP 2018254

TEST CODE **02131020**

MAY/JUNE 2018

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.

Copyright © 2017 Caribbean Examinations Council
All rights reserved.

02131020/CAPE 2018



0213102003



SECTION A

MODULE 1: CARIBBEAN LEGAL SYSTEMS

Answer ONE question from this section.

EITHER

1. Mr Klong has been living at 22 West Lane for over 17 years. Mr Bold moves into the property adjacent to his and constructs a bar and night club. For the past two years since the club's opening, patrons have continuously parked in front of Mr Klong's footpath and driveway, obstructing access to his property. Several complaints from Mr Klong to Mr Bold go unheeded so Mr Klong brings the matter to court. The trial judge advises both parties to seek some form of alternative dispute resolution to resolve the conflict.
- (a) (i) Define the term 'alternative dispute resolution'. [2 marks]
- (ii) Outline to Mr Klong the area of law in which he may seek redress. Support your answer with facts from the scenario above. [4 marks]
- (b) Outline to Mr Klong TWO reasons why arbitration would be a suitable method to use in the resolution of this dispute. [4 marks]
- (c) Mr Bold is not convinced that arbitration is the most suitable method to resolve this dispute. He believes that mediation or litigation would be a better option to pursue. Mr Bold seeks your advice on whether he should pursue litigation or mediation to resolve this dispute. Advise Mr Bold by providing THREE points EACH in support of litigation AND mediation. [15 marks]
- Total 25 marks**

OR

2. The Government of Zanubar, a Commonwealth Caribbean country, is not happy with the development of the common law in dealing with corruption in public life. The government is considering passing legislation to deal with this issue.
- (a) (i) Apart from the written constitution, list TWO sources of Commonwealth Caribbean Law. [2 marks]
- (ii) Outline TWO reasons why the written constitution of Commonwealth Caribbean states is the MOST important source of law. [4 marks]
- (b) (i) Define 'secondary legislation'. [2 marks]
- (ii) Give TWO examples of occasions when secondary legislation may be used. [2 marks]
- (c) Advise the Attorney General on THREE advantages and THREE disadvantages of using primary legislation to deal with corruption in public life. [15 marks]
- Total 25 marks**

GO ON TO THE NEXT PAGE



SECTION B

MODULE 2: PRINCIPLES OF PUBLIC LAW

Answer ONE question from this section.

EITHER

3. Mr Jack, a teacher, suspects that Jane cheated in an examination. The principal convenes a committee of enquiry to investigate the matter. The committee comprising the principal, the deputy principal and Mr Jack meets and suspends Jane from school for two weeks. Jane applies for judicial review of the case as she thinks the committee acted *ultra vires*.

- (a) Define the terms
- (i) judicial review
 - (ii) *ultra vires*. **[4 marks]**
- (b) With reference to ONE decided case, explain TWO principles of improper delegation of power. **[6 marks]**
- (c) With reference to the principles of natural justice, advise Jane on whether or not her suspension was lawful. Use ONE decided case to support your answer. **[15 marks]**
- Total 25 marks**

OR

4. (a) (i) State TWO functions of the judiciary.
- (ii) State TWO functions of the legislature. **[4 marks]**
- (b) With reference to ONE decided case, explain TWO principles of the doctrine of 'separation of powers'. **[6 marks]**
- (c) The Parliament of the State of Plantaria passes the New Court Act. Section 5 of the Act provides for the appointment of the Speaker of the House of Assembly as a High Court Judge during his tenure as Speaker. The Leader of the Opposition wishes to challenge the constitutionality of Section 5 of the Act in the High Court.

Using ONE decided case to support your answer, advise the Leader of the Opposition on whether or not

- (i) he has *locus standi*
- (ii) Section 5 of the Act is unconstitutional. **[15 marks]**

Total 25 marks

GO ON TO THE NEXT PAGE



SECTION C
MODULE 3: CRIMINAL LAW

Answer ONE question from this section.

EITHER

5. Rishi agrees with Deepak that they should 'hatch' a plan to steal 10 of the 50 new laptops purchased and stored by the university. Deepak provides Rishi with a security code that will allow him to enter the storeroom undetected. The following day, Rishi tells Deepak of his detailed plan of operation for removing the computers to which Deepak agrees. Two days later, Rishi is caught as he is about to steal the laptops.

- (a) Distinguish between 'burglary' and 'robbery'. [4 marks]
- (b) Explain briefly TWO elements of the *actus reus* of theft. Use ONE decided case to support your explanation for EACH element. [6 marks]
- (c) Citing ONE decided case to illustrate your answer for EACH of *actus reus* and *mens rea*, explain to Deepak any resulting criminal liability he might be facing. [15 marks]

Total 25 marks

OR

6. Jack and Jill went up a hill to fetch a pail of water. Jack and Jill began to argue about who should take the pail of water down the hill. Jill, in a fit of rage, pushed Jack who fell to the ground and broke his arm.

- (a) (i) Define the term '*actus reus*'. [2 marks]
- (ii) Distinguish between 'assault' and 'battery'. [4 marks]
- (b) With the use of ONE decided case, outline briefly the *mens rea* of assault in this case. [4 marks]
- (c) Using ONE decided case to illustrate your answer, explain whether or not Jill is criminally liable for pushing Jack. [15 marks]

Total 25 marks

GO ON TO THE NEXT PAGE

