



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF DECEMBER 2005

CODE AND NAME OF COURSE: LA10A (LAW1010) LAW AND LEGAL SYSTEMS

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

Answer any **THREE (3)** questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. "It makes no difference that a colony was settled or conquered; neither does it matter what laws may have been passed by the local legislature. The law of a colony will consist of the English common law from time to time determined by English courts, and any law passed by the Imperial Parliament."

Discuss with reference to decided cases.

2. It is often said that the flexibility of the common law makes it a more important source of law than legislation. Do you agree with this view?

3. Give an exposition of the fundamental features, similarities and differences of two major legal traditions of your choice, analysing why they merit separate and distinct classifications.

4. "It is not the function of law to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behaviour further than is necessary to preserve public order and decency, to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against the exploitation and corruption of others, particularly the weak and vulnerable."

Do you agree?

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5. Discuss the view that the Caribbean Court of Justice is a more than adequate substitute for the Judicial Committee of the Privy Council.
6. "The argument that the jury system is the bulwark of freedom no longer justifies its retention in a modern, multi-cultural and small society."

Do you agree?

END OF PAPER