



THE UNIVERSITY OF THE WEST INDIES

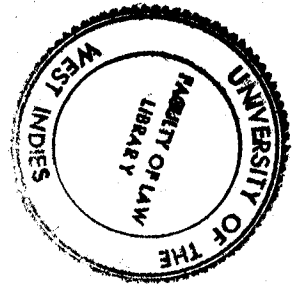
EXAMINATIONS OF DECEMBER 2001

CODE AND NAME OF COURSE: LA10A - LAW AND LEGAL SYSTEMS

DATE AND TIME:

DURATION: 2 HOURS

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



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

1. Should morality be the foundation for law?
2. "The idea that we can neatly classify legal systems into distinct legal traditions is misleading."

Discuss.
3. Describe and analyse a specialised court or tribunal, or a specialised judicial function of your choice, giving attention to any decided cases, the relevant legislation and the attendant problems.
4. Jan is arrested for the murder of Rico and tried in the High Court. She pleads self-defence. The Daily Newspaper publishes several articles claiming that Jan is guilty. Meanwhile, the trial is delayed deliberately when Jan's lawyer successfully challenges twenty of the jurors giving no reasons. After this, the judge insists that reasons be given for challenge. The lawyer then successfully objects to all male jurors as he feels that they will be biased against Jan on the basis of gender.

During the trial one of the jurors is seen having coffee with the star witness but is retained. At the summing-up, the judge tells the jury: "You are the only ones who can decide what self-defence is in this case but every man is presumed innocent." Jan is found guilty. However, the judge tells the court that based on a new decision from the Privy Council emanating from Singapore, he must throw out the verdict as he believes that it is unsafe. After the trial, it is discovered that the jury's vote was eight to four and that one of the jurors had spent several years in the insane asylum and voted "guilty" because he believed himself to be "judging souls for Hell." Jan now complains that she was not given the option to elect to be tried by a magistrate instead of a jury. Further, the jury foreman was a good friend of Rico's.

Discuss the issues that arise in this case.

P.T.O.

5. Describe the jurisdiction and structure of the proposed Caribbean Court of Justice (CCJ), comparing it with the current final appellate court. Is the jurisprudence of the CCJ likely to deviate substantially from that which has developed in the current court of final resort?
6. "Of all the recognised legal sources, custom affords us the best and most convenient opportunity to fashion a society in accordance with our needs and identity."

Discuss.

END OF QUESTION PAPER