



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF APRIL/MAY 2006

CODE AND NAME OF COURSE: LAW1020 (LA10B) - CONSTITUTIONAL LAW

DATE AND TIME:

DURATION: 3 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. Although the power of the judiciary to review legislation is not expressly set out in the Constitutions of the Commonwealth Caribbean, it has been argued that the power is to be implied from a variety of constitutional provisions. Do you consider this attempt to locate the source of the power of judicial review satisfactory or even necessary?

2. Answer **EITHER (a) OR (b)**

(a) "Not only is the legislature dominated by the executive, but members of the executive also exercise significant legislative power, both directly and through their ability to prevent bills passed by the legislature from being implemented. For these reasons, the separation of legislative and executive powers is a myth."

Discuss.

OR

(b) Discuss de Smith's *idea* of "institutions of political neutrality" and its significance in the Guyana Constitution.

3. "The rule of law doctrine has not developed any substantive rules by which the content of laws may be judged. Nor is it desirable that it should do so."

Discuss

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4. What are the safeguards for an independent judiciary? Which do you consider to be the most important?
5. Has the entrenchment of fundamental rights and freedoms in any way impacted upon parliamentary privileges in the Commonwealth Caribbean?
6. Discuss the view that so-called prerogative powers no longer exist under the constitutions of Commonwealth Caribbean states.

END OF PAPER