



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF \_\_\_\_\_ APRIL/MAY \_\_\_\_\_ 2000

CODE AND NAME OF COURSE: LA10B CONSTITUTIONAL LAW

DATE AND TIME:

DURATION: 3 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 8 questions.

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Answer **FOUR** questions.

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. "To a great extent, the power of the courts to review Acts of Parliament in Commonwealth Caribbean states is to be inferred rather than to be found in express provisions of the constitutions themselves."

Discuss.

2. "The historical affinity of Commonwealth Caribbean Constitutions to the Westminster pattern is undeniable and it is immaterial as to whether the constitutions are called 'Westminster style' or 'Westminster export style'."

Discuss.

3. 'The rule of law is a concept of doubtful legal pedigree. It has no place in the constitutional law of Commonwealth Caribbean States.'

Discuss.

4. Discuss the view that the independence of the judiciary is so very firmly secured by provisions which are contained in the constitutions of the independent states of the Commonwealth Caribbean that there is no need for strengthening them in any respect.

5. How has the introduction of written Constitutions affected the law of Parliamentary Privileges in the Commonwealth Caribbean?

PLEASE TURN OVER

6. You are a Parliamentary Counsel of Domingo, an independent Commonwealth Caribbean state. The government wishes to amend the constitution as follows:

- (a) to provide that a member who is absent from the House of Representatives for more than two sittings, shall cease to be a member of the House;
- (b) to introduce new requirements for the appointment of members of the judiciary; and
- (c) to change the requirements for the alteration of the constitution.

Advise the government as to the problems which are likely to be encountered in enacting these amendments and make suggestions which, in your opinion, will minimize these problems.

7. You are a Crown Counsel in the Legal Department of Sabola, an independent Commonwealth Caribbean state. The Attorney-General has requested that you advise him as to the constitutionality of the following proposals for legislation:

- (a) to provide that where a person who is under the age of 18 years of age is convicted of murder, that person shall be imprisoned during the pleasure of the Head of State;
- (b) to empower the Traffic Commissioner to impose, by Order, such levy as he sees fit for the licensing of motor vehicles; and
- (c) to establish a Tribunal constituted of persons drawn from the public service, trade unions and employers organizations to try and determine industrial relations disputes.

Advise the Attorney-General.

8. Dendus is a Commonwealth Caribbean country of your choice. You are a Counsel to the Head of State of that country. The Head of State has requested your advice on the law which relates to the following:

- (a) collective responsibility;
- (b) the power of the Head of State to assent or not to assent to Bills which are passed by Parliament;
- (c) the appointment of the Leader of the Opposition; and
- (d) the exercise of the executive authority of the state.

Advise the Head of State.

**END OF PAPER**