



# **THE UNIVERSITY OF THE WEST INDIES**

**EXAMINATIONS OF APRIL/MAY 2001**

Code and Name of Course: **LA10B CONSTITUTIONAL LAW**

Date and Time:

Duration: **3 HOURS**

**INSTRUCTIONS TO CANDIDATES:** This paper has 3 pages and 8 questions

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Answer **FOUR (4)** 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. "The conventions of the United Kingdom constitution form no part of Commonwealth Caribbean constitutions."

Discuss.

2. Discuss the obstacles that may be encountered by a person who applies for judicial review of legislation.
3. To what extent do the Commonwealth Caribbean constitutions differ from the classic Westminster model?
4. "Constitutional entrenchment is valueless."  
Critically analyse this statement.
5. Is it fair to say that Dicey's concept of the Rule of Law has no relevance to the constitutional law of the Commonwealth Caribbean?

**PLEASE TURN OVER**

6. The Constitution of Jamagos contains the following provisions:

- (i) There shall be a Prime Minister of Jamagos who shall be appointed by the Head of State.
- (ii) Whenever the Head of State has occasion to appoint a Prime Minister he shall appoint a representative who appears likely to command the support of the majority of the elected Representatives.
- (iii) Where, by this constitution, the Head of State is required to perform any function in his own deliberate judgment, or on the advice or recommendation of any other authority or person, the question whether the Head of State has so exercised that function shall not be inquired into by any court of law.

Elections are held in Jamagos. On the following day, the Supervisor of Elections advised the Head of State that the People's Party won 11 seats, the Passive Party won 11 seats and the United Front Party won 3 seats.

Thugus who leads the Passive Party is immediately appointed as Prime Minister by the Head of State.

Nosy, who voted in the general elections, threatens to take legal action to have the Thugus government removed from office.

Discuss.

7. Discuss whether the constitutional right to trial by an independent tribunal is infringed by the following:

- (i) the appointment of members of the tribunal by the Attorney General for renewable fixed terms of three years;
- (ii) the power vested in Parliament to increase or decrease the terms and conditions of service of the members of the tribunal by a simple majority;
- (iii) full control by the Attorney General over all aspects of the administrative affairs of the judiciary.

PLEASE TURN OVER

8. Discuss the constitutionality of the following statutory measures which:
- (i) empower the Minister of Health, in his or her discretion, to levy a charge for the use of health facilities owned by the State;
  - (ii) provide that persons over 65 convicted of murder be sentenced to imprisonment at the pleasure of the Head of State;
  - (iii) increase the maximum sentences that may be imposed by magistrates from \$10,000 and one year imprisonment of \$100,000 and five years imprisonment.

**END OF PAPER**