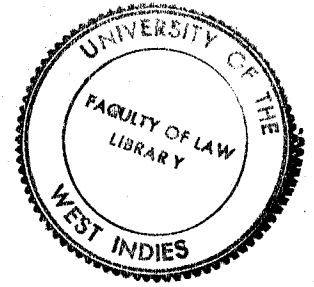




THE UNIVERSITY OF THE WEST INDIES



EXAMINATIONS OF APRIL/MAY 2002

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.

Answer **FOUR (4)** questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. Explain and discuss the formal and substantive notions of the rule of law.
2. The Government of Utopia having a Constitution in the terms of a Commonwealth Caribbean country of your choice wishes to enact legislation to do the following:
 - (i) establish a People's Judiciary Board, consisting of a number of non-lawyers, one for each parish of the country and two retired judges. This Board will in future be solely responsible for the appointment of all judicial officers of whatever grade, save the Chief Justice;
 - (ii) require a person alleging a breach of fundamental rights to commence proceedings only by way of a letter addressed to the Court;
 - (iii) introduce new nationality provisions;
 - (iv) provide that where a member of the House of Representatives 'crosses the floor', the seat of that Representative shall be declared vacant.

Advise the government as to the way in which they must do this.

3. "It is quite absurd to say that 'the prerogative' royal or otherwise, disappeared on the attainment of independence by Commonwealth Caribbean states."

Discuss the operation of the prerogative generally in Commonwealth Caribbean law.

4. "The power of judicial review of legislation is derived from the courts' inherent function to uphold the law."

Discuss.

5. Is there any practical benefit in categorising Commonwealth Caribbean constitutions as "Westminster model" or "Westminster export model" constitutions?
6. What are the main elements of the notion of judicial independence and how and to what extent are they catered for in the Commonwealth Caribbean constitutions? Are temporary appointments to the Bench and the appointments of judges beyond retirement inimical to the independence of the judiciary?
7. The House of Assembly in the unicameral legislature of San Cristobal, passed the Largess Bill. Subsequently, after discussions with trade unions and leaders of commerce and industry, the government decided that the Largess Bill would not be presented to the Head of State for her assent. The Prime Minister instructed the Clerk of the House not to continue with the normal procedures for presenting the Bill for assent.
8. "There are no conventions in the Commonwealth Caribbean."

Critically discuss this proposition.

END OF QUESTION PAPER