



## **THE UNIVERSITY OF THE WEST INDIES**

**EXAMINATIONS OF           DECEMBER           2006**

**CODE AND NAME OF COURSE: LAW1010 - LAW AND LEGAL SYSTEMS**

**DATE AND TIME:**

**DURATION: 2 HOURS**

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

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Answer **THREE (3)** 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. Anan, when he was 9 years old, was told by his uncle Ben, who is a Rasta, that they were going for 'a ride'. However, Ben broke into a house and shot the occupier while Anan remained in the car. They were caught and thrown into the same jail. The newspapers carried several stories about the 'negative influence that Rastas are having on the society.' At the trial in the Assizes, Ben's lawyer objected without reasons to 10 persons slated for the jury. He then claimed that he wanted at least 3 members of the jury to be Rastafarians, as he feared that the jury would be biased. Alternatively, he argued, the trial should be moved to a neighbouring country since there had been pre-trial prejudice and there was no way that Ben and Anan could get a fair trial. The trial judge refused the request. Ben and Anan were tried together. During the trial, the judge refused to accept Anan's evidence, saying that he was too young. The judge also stated that he had a duty to 'purge the society from the evils of Rastas'. Both Anan and Ben were convicted and sentenced to hang. They now wish to appeal directly to the Privy Council.

Discuss the issues raised.

2. "The Caribbean Court of Justice will be the same old thing in new clothing."

Discuss.

3. "The Privy Council, although a final court, is obliged to follow its previous decisions and those of the House of Lords on questions of the fundamental principles of the common law. Any other approach would lead to chaos in the legal system."

Do you agree?

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4. "Hybrid legal systems are important to our understanding of the classification of legal traditions."

Discuss.

5. "Our slavery experiences make a mockery of the theory that law should reflect morality."

Discuss.

6. "International Law is fast becoming the most important source of law in our legal system. In truth, in today's globalised world, it makes a stronger argument for prominence in the legal system than does local custom."

Discuss.

**END OF PAPER**