1. “The successful claimant in a defamation action must establish that the defamatory imputation was published of him or her”.

Critically discuss the element of publication in a defamation action.

2. Fred and Gail are security officers with Sentinel Inc., a firm which provides security services of all types. Sentinel has a contract with the State to provide warder duties at the all-female Bellevue Prison.

One night, while on patrol duty on Block C at Bellevue, Fred and Gail are joined by Dan, a trainee guard on loan to Sentinel from Elite Security Services (ESS). Dan has been instructed by ESS to follow the orders of his co-workers and to act judiciously in his duties at all times.

Late that night, there is a loud protest by three inmates in a cell in Block C. In an attempt to restore order, Gail hits one prisoner, Tessa, so hard over the head with her night-stick that Tessa suffers a fractured skull.

Fred takes the opportunity to assault sexually a second prisoner, Una. Dan, engaged in a search of the cell for weapons, discovers some money belonging to the third prisoner, Viola, and steals it.

Advise each of the prisoners.

3. Critically examine the action for breach of statutory duty by an employee.
4. Isis is a world-class amateur backgammon player from the Caribbean. She has won tournaments all over the region, and is adored internationally.

High Fashion Ltd., a local firm of clothing manufactures, decides to produce a line of T shirts featuring a silhouette of Isis on the front and, on the back, the words, “Push it like Isis”.

The silhouette is a reproduction of a photo which Isis had consented to be taken during an interview with the Antiguan Times, a regional newspaper some years ago and for which she had been handsomely paid.

The T shirts are of a high quality material and are a commercial success because of Isis’s popularity.

Isis, who did not give her consent to the production of these T shirts and who has now fallen on hard times, seeks your advice as to whether she has any legal recourse against High Fashion Ltd.

Advise Isis.

5. “To negligently cause the death of a breadwinner must result in a financial loss to his or her dependants…”

Critically analyse how the law compensates them for this loss.

6. In order to get even with David whom he believed has stolen his Tort notes, Eric tells Fred, a successful Christian businessman of limited education, that David is a true “homo sapiens of a strict heterosexual productivity”. Fred understood this to mean that David is a perverted homosexual and he refuses to speak to David anymore.

Eric then informs David’s mother, Gina, that David uses illegal drugs. This is partly true since Eric and David had once shared a bottle of bootleg liquor one night many years ago. David’s mother refuses to believe Eric, however.

“Finally Eric sends a letter to David at his home address, in which he accuses David of being a “criminal” and “an ugly one at that…” The letter is opened by David’s brother, Donald who has been staying at David’s flat for the last six weeks. The letter is addressed to D. Patrick.

Advise David.

END OF PAPER