



The University of the South Pacific

Examinations

Emalus Campus

Semester 1 2004

SCHOOL OF LAW

COURSE NAME: **LEGAL SYSTEMS I**

COURSE NO: **LA 100**

TIME ALLOWED: **THREE (3) HOURS**

READING TIME: **TEN (10) MINUTES**

NUMBER OF PAGES: **FOUR (4) (including cover page)**

NUMBER OF QUESTIONS ON PAPER: **SEVEN (7)**

NUMBER OF QUESTIONS TO BE ANSWERED: **FOUR**

MARK ALLOCATED FOR EACH QUESTION: **EACH QUESTION HAS 15 MARKS**

TOTAL MARKS: **SIXTY (60) MARKS**

MATERIALS PERMITTED IN EXAMINATION ROOM: UNANNOTATED OR UNMARKED LA 100 READER VOLUME 1 & READER VOLUME 2

Question One

- (a) Discuss the changing nature of law and provide THREE examples of the way the law has changed in response to social, economic, technological or political change (the examples can be based on the course materials or your own experience)

(7 marks)

AND

- (b) Explain the impact that colonization has had on the development of the legal system in a country of your choice in the region.

(8 marks)

Question two

- (a) Explain what a written Constitution is and why Constitutions are called the "supreme law" of a country.

(8 marks)

AND

- (b) Explain two ways that Constitutions can be suspended or repealed and support your explanation with an example.

(7 marks)

Question three

- (a) Choose three schools of legal philosophy or jurisprudence that you have studied and discuss the way in which they would answer the question "what is law?".

(9 marks)

AND

- (b) Discuss whether or not those three schools would consider local customs to be "law".

(6 marks)

Question four

(a) Discuss the difference between legislation and subsidiary legislation.

(5 marks)

AND

(b) What will happen if subsidiary legislation is inconsistent in some respects with a principle of common law?

(5 marks)

AND

(c) Explain how legislation is created.

(5 marks)

Question five

(a) Explain what is the common law?

(5 marks)

AND

(b) Discuss how the common law and equity work together.

(5 marks)

AND

(c) Explain how the principles of common law and equity are made and amended.

(5 marks)

Question six

(a) Discuss the role of customary law in the legal system of a country of your choice in the region.

(5 marks)

AND

(b) Explain any difficulties in applying customary law by the courts.

(5 marks)

AND

- (c) Discuss whether in your opinion customary law should occupy a more important place than it currently does in the legal system of the country of your choice in the region.

(5 marks)

Question seven

With reference to a USP country of your choice, you are required to do the following:

- (a) Identify and describe the main forms or types of laws that exist in that country in the post-dependency or contemporary period. In your discussion, refer to Constitutional or statutory provisions or case laws that provide for the existence of each form or type of law;

(7.5 marks)

AND

- (b) Explain the order of importance or hierarchy of all the different forms or types of laws that you have identified. In your discussion, refer to constitutional or statutory provisions or case laws to support your arguments.

(7.5 marks)

TOTAL: 60 MARKS

The End