



THE UNIVERSITY OF THE SOUTH PACIFIC  
UNIVERSITY EXTENSION

EXAMINATION PAPER  
SEMESTER 1 2007

<b>COURSE TITLE: LAC01 – INTRODUCTION TO LAW</b>	
<b>DURATION OF EXAM:</b>	<b>THREE HOURS (3 HRS)</b>
<b>TOTAL NUMBER OF PAGES:</b>	<b>FOUR (4)</b>
<b>NUMBER OF SECTIONS:</b>	<b>THREE (3)</b>
<b>NUMBER OF QUESTIONS:</b>	<b>THIRTY (30)</b>
<b>NUMBER OF QUESTIONS TO BE ANSWERED</b>	<b>TWENTY (20)</b>
<b>TOTAL MARKS</b>	<b>SIXTY (60)</b>
<b><u>NOTES TO CANDIDATES</u></b>	
<b>1. ANSWER ALL QUESTIONS FROM PART A</b>	
<b>2. ANSWER FIVE QUESTIONS ONLY FROM PART B</b>	
<b>3. ANSWER FIVE QUESTIONS ONLY FROM PART C</b>	
<b>4. THIS IS A CLOSED BOOK EXAM</b>	

Approved. *[Signature]* (Hos) 19/05/2007

**PART A. (10 Marks)**

This part has 10 questions, each question is worth one (1) mark, write down true or false next to each question. You must answer all 10 questions in this part.

1. In the Pacific Island Countries, the Principal Court is given the jurisdiction by legislation to hear appeals by parties from decisions of subordinate courts.
2. The term “res judicata” means the matter has been finally decided and cannot be brought to court again.
3. Currently the principles of “autrefois acquit” and “autrefois convict” are also used in civil proceedings.
4. Most Pacific Island Countries have a written Constitution. Some countries in the world for example Britain and Israel do not have a written Constitution. This means that those countries without a written constitution do not have a constitution at all.
5. The principles of interpretation used by the courts when interpreting provisions of legislation are different from those used when interpreting provisions of a written constitution.
6. Schedules to an Act of Parliament are usually placed at the end of an Act because they do not form part of the Act.
7. When applying principles of common law and equity, where there is a conflict between the two, the principles of equity prevail.
8. Subsidiary legislation, like an Act of Parliament, is legislation passed by Parliament.
9. Adopted legislation is legislation made by the legislature of one country for that country, but is later stated by the legislature of another country to be in force in that country.
10. The Positivist view of law emphasis is upon the content of law and its conformity with ideals such as reason, justice and equality.

**PART B. (20 Marks)**

This part has 10 questions, answer any five (5) questions. Each question carries four (4) marks. Explain what these terms or phrases mean.

11. Civil proceedings
12. Principles of common law and equity
13. Autrefois convict
14. Obiter Dicta
15. Obsolete Court decision
16. Adjudication
17. Customary Law
18. Municipal law
19. Autochthonous Constitution
20. Subsidiary legislation

**PART C. (30 Marks)**

This part has 10 questions; each question is worth six (6) marks. Answer only 5 questions from this part.

21. Describe the seven (7) procedural steps to be taken from the beginning to the end of a civil proceeding and a criminal proceeding.
22. Describe the structure of the hierarchy of courts in a country of your choice in the USP region.
23. Explain some features or characteristics of customary law and explain why it is difficult to apply customary law uniformly in a USP country of your choice.
24. Describe the structure of a written Constitution, naming each feature which forms the framework of a Constitution.
25. Explain three (3) exceptions to the principle of “res judicata.”
26. Explain what are “statement of facts” and “statement of law” and describe their relationship in relation to a court’s final judgment.
27. Explain the naturalist view of law.
28. Describe two common law principles applied when interpreting provisions of legislation.
29. Explain the early relationship of the principles of common law and equity and describe how the two principles were merged.
30. Describe how the principles of common law and equity are adopted and applied in a USP country of your choice.