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THE UNIVERSITY OF THE SOUTH PACIFIC
UNIVERSITY EXTENSION

EXAMINATION PAPER
SEMESTER 2/2006

COURSE TITLE: LACO2 – TYPES OF LAW	
DURATION OF EXAM:	3 Hours
TOTAL NUMBER OF PAGES:	2 (excluding cover page)
MARK VALUE:	50%
NUMBER OF SECTIONS:	1
NUMBER OF QUESTIONS:	8
NUMBER OF QUESTIONS TO BE ANSWERED	5

NOTES TO CANDIDATES

1. This exam is worth 50% of the total marks of the course.
2. Candidates are required to answer ONLY five (5) questions.
3. Each question is worth 10 marks.
4. Candidates must have with them the COURSE READER but NOT the COURSE BOOK.
5. Where necessary, refer to relevant statutes or cases to support your answers.

Approved
J. W. Pester 09.10.2003

QUESTION 1 (10 marks)

Certain elements need to be established by the prosecution in a criminal trial to prove beyond reasonable doubt that an accused is criminally liable for an offence that he or she is charged with. With supportive case authority, identify and explain these two (2) basic elements.

QUESTION 2 (10 marks)

Discuss three (3) basic principles of interpreting a written Constitution. Support your answer with case authority.

QUESTION 3 (10 marks)

Briefly discuss the four (4) basic elements of a contract.

QUESTION 4 (10 marks)

(a) Describe the different sources of law in a jurisdiction of your choice in the USP region.

(b) Discuss two (2) advantages and disadvantages of a written constitution.

QUESTION 5 (10 marks)

To what extent can custom or customary laws be applied by the Courts in a country of your choice in the USP region?

QUESTION 6 (10 marks)

With supportive case authority developed in the region, discuss some general problems encountered by lawmakers in incorporating customary laws as part of the formal laws in Pacific Island countries.

QUESTION 7 (10 marks)

"The Courts of the Commonwealth countries have accepted as valid a Constitution that is made in breach of legal requirements." With illustrative examples and case authority, discuss the criteria that have been developed and established by these courts in recognizing a Constitution made through unlawful means.

QUESTION 8 (10 marks)

(a) Explain the positivist theory of law.

(b) Briefly describe the main difference between civil law and criminal law

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