



THE UNIVERSITY OF THE SOUTH PACIFIC  
UNIVERSITY EXTENSION

EXAMINATION PAPER  
SEMESTER 2/ 2005

<b>COURSE TITLE: LAC02 – TYPES OF LAW</b>	
<b>DURATION OF EXAM:</b>	<b>3 hours</b>
<b>TOTAL NUMBER OF PAGES:</b>	<b>2 (excluding cover page)</b>
<b>MARK VALUE:</b>	<b>60%</b>
<b>NUMBER OF SECTIONS:</b>	<b>2</b>
<b>NUMBER OF QUESTIONS:</b>	<b>7</b>
<b>NUMBER OF QUESTIONS TO BE ANSWERED</b>	<b>3</b>
<p style="text-align: center;"><b><u>Instructions</u></b></p> <ol style="list-style-type: none"><li>1. Part A is compulsory and MUST be answered by all candidates</li><li>2. Candidates are required to answer ONLY two (2) questions in Part B</li><li>3. Candidates may have with them the Course Reader but not the Course Book</li><li>4. Where necessary, refer to relevant legislation or cases to support your answers</li><li>5. This exam is worth 60% of the total marks of the Course</li></ol>	

Approved *[Signature]*  
11/10/05

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## LAC02 Types of Law

### Part A - Long Answer (All Candidates must answer Question 1)

#### Question 1 (30 marks)

*“Customary law is indigenous, fragmentary (on a geographical basis), binding only on those who accept it as the law applicable to them. It is basically conservative and patriarchal and law also emphasises status, duties, and community values.”*

*[Jennifer Corrin-Care, 12<sup>th</sup> Commonwealth Law Conference, September 1999]*

The statement above describes some common features of customary law. Discuss 3 areas where customary law conflicts with constitutional provisions of human rights with illustrative examples from any country of your choice in the USP region.

### Part B - Short Answers (Answer ONLY two (2) questions)

#### Question 2 (15 marks)

In order to know what the law is in one jurisdiction, we have to know the different sources of law. Discuss the main sources of law in any country of your choice in the USP region.

#### Question 3 (15 marks)

A constitution is defined as a written constitution if it is contained in one written document. Discuss the advantages and disadvantages of a written constitution.

#### Question 4 (15 marks)

In order for the prosecution to establish that the accused was criminally responsible for an offence, it must prove certain elements. Identify and discuss these elements.

#### Question 5 (15 marks)

Discuss at least three (3) major differences between common law and civil law system and explain how countries in the USP region are classified as common law systems.

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LAC02 – Types of Law

Question 6 (15 marks)

The courts have evolved certain basic principles or guidelines to interpreting terms of written Constitutions. Discuss at least three (3) basic principles of interpreting Constitutions

Question 7 (15 marks)

Briefly discuss the four (4) important elements of a contract

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