



JDP SCHOOL OF LAW

Semester 2 Year 2018

FINAL COURSE EXAMINATION PAPER

LAWF 11: Foundation Law for Beginners II

Important Instructions to Students:

1. Read the questions and instructions carefully and answer the questions.
2. You are allowed an **extra 10 minutes reading time** (during this time, you are not allowed to write) and **180 minutes (3 Hours) to complete this paper**.
3. All kinds of electronic gadgets (including smart phones, mobiles, tablets etc.) are strictly prohibited.
4. Write all your answers in the answer booklet provided. If you need extra sheets, please ask from the supervisor. Write your name, course code and student identification number in the answer booklet and in the attendance sheet.
5. **This Final Examination Paper is worth 50 marks or 50% of the total course assessments.** Students must **score at least 25 marks** in this final exam to pass the course.
6. This paper contains **TEN (10) questions. You are required to attempt any FIVE (5) questions.** All parts of a question must be answered.
7. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
8. This is a **CLOSED BOOK EXAMINATION**.
9. The University views plagiarism, cheating and dishonest practice as serious offences and, if found, offenders are penalized.

Examination Paper Content

<u>Question</u>	<u>Content</u>	<u>Marks</u>	<u>Suggested Time</u>
1-10	Essay and problem solving questions- [ANSWER ANY 5]	10 marks each	36 minutes per question
TOTAL		50	180 minutes

Attempt any FIVE (5) questions. Each question is worth TEN (10) marks.

Question 1

Ms Ananei owns a bookshop which specialises in acquiring and selling historical Fijian books. She sees an advertisement for a first edition copy of a book written by Professor Marcus. The advertisement, placed by Mr Chand, states that it was "on offer for \$300.00." Ms Ananei phones Mr Chand and offers to buy the book for \$250. Mr Chand declines, but makes a verbal agreement not to sell the book to anyone else until Ms Ananei phones him back in three days with a new offer.

Is there a valid and legally binding contract? Discuss.

[10 marks]

Question 2

Explain the following:

- a) Jurisdiction:
- b) Appellant:
- c) Legal jargon with an example:
- d) *Actus reus*:
- e) Beyond reasonable doubt:

[10 marks]

Question 3

Linda is walking, carefree, in a crowded restaurant not noticing a loose plastic wrapper on the floor of the restaurant. She slips, falls and upon a visit to the doctor she is told that she has fractured her ulna bone (arm). She is distressed by these events as she will not be able to work while her arm is in a cast. Linda is a professional tailor who operates from her residence.

Discuss likely legal issues.

[10 marks]

Question 4

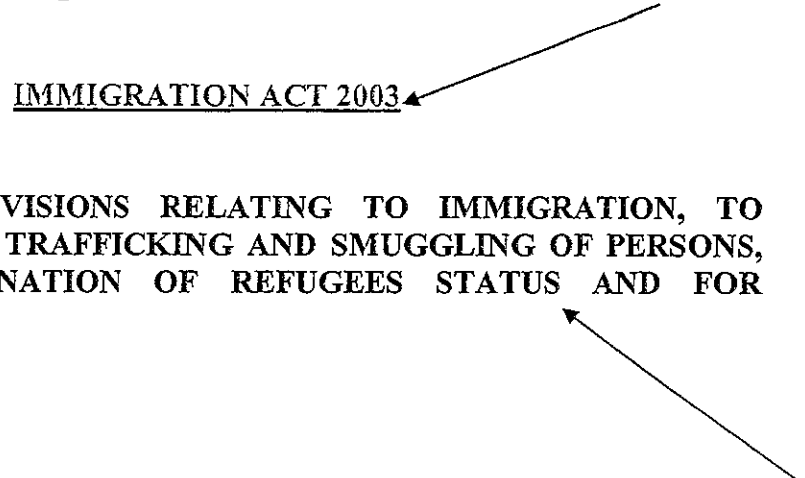
The Constitution of the Republic of Fiji Islands is the supreme law of the land. The Bill of Rights is an essential component of the Constitution. Discuss the Bill of Rights. In your answer, address at least 4 rights and freedoms found in the Bill of Rights.

[10 marks]

Question 5

Label the marked items appearing in legislation:

IMMIGRATION ACT 2003



AN ACT TO MAKE PROVISIONS RELATING TO IMMIGRATION, TO REGULATE AND CONTROL TRAFFICKING AND SMUGGLING OF PERSONS, TO REGULATE DETERMINATION OF REFUGEES STATUS AND FOR RELATED MATTERS

What is the purpose of the “*Interpretation*” section of an Act?

What does it mean if an Act has been repealed?

List and explain the functions of the three “arms” of government.

[10 marks]

Question 6

Buzz and Ella, both 19 years old, have been in a relationship and are having a heated argument. Buzz produces a hockey stick and threatens to hit Ella if she does not shut up. Ella tells Buzz that he is a coward and would not dare to touch a hair on her head let alone beat her up. Without stopping to think, Buzz raises the hockey stick and aims for her head. His aim is off target and the bat makes contact with the wall behind Ella causing the thin timber of the wall to burst. Fragments of the timber fly into Gretel’s eyes (who had just entered the room on hearing the commotion). Gretel screams in agony and falls down, unconscious. Gretel is Ella’s 15 year old sister.

Discuss the possible legal repercussions.

[10 marks]

Question 7

Is plurality of marriage legal in Fiji? Explain your answer with reference to relevant authority. (5 marks)

Lawyers owe a range of duties to different parties. In your answer, name at least 3 of these duties and explain how they operate to create an obligation for lawyers. (5 marks)

[10 marks]

Question 8

The law of contract is primarily common law based. One of the integral cases in this area of law is that of *Carlill v Carbolic Smoke Ball Company* [1892] EWCA Civ 1. With brief reference to the facts of the case, explain its relevance to the law of contract. (6 marks)

Explain the difference between a void and a voidable contract. (4 marks)

[10 marks]

Question 9

Outline the main arguments in the case of *State v Mudaliar* [2006] FJHC 47; HAC015.2005S (17 May 2006)

What were some of the mitigating factors that were considered by the court prior to sentencing the accused?

[10 marks]

Question 10

Are there certain items that may not be classified as "property"? Name at least 3 items and explain your answer. (6 marks)

What are possessory rights? (4 marks)

[10 marks]

End of Question Paper
