



FINAL COURSE EXAMINATION PAPER

LAWF 14: ENGLISH FOR LEGAL PURPOSES II

Important Instructions to Students:

1. Read the questions, 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 Course Examination Paper is worth 60 marks.** Students must **score at least 30 marks** in this final exam to pass the course.
6. This paper contains **EIGHT (8)** questions. Students must answer any **SIX (6)** questions.
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 (Format):

<u>Question</u>	<u>Content</u>	<u>Marks</u>	<u>Suggested Time</u>
1-8	Answer ANY SIX (6) questions	10	30 minutes per question
	TOTAL	60	180 minutes

Students must answer ANY SIX (6) questions. Some questions have parts. ALL parts must be answered.

Question 1 Letter Writing

Uncle imprisoned for 12 years for raping nephew

TALEBULA KATE

16 October, 2020, 10:20 am

A man was sentenced to 12 years in prison after being found convicted by the High Court in Lautoka for raping his nephew in 2017.

While delivering sentence this week, Justice Chamath Morais said it was proved during the trial that, the uncle abused and raped his nephew over a period of about six months when the victim was about 14-years-old.

Justice Morais said the aggravating factors in this case were that this was a serious and abhorrent series of crime, there was gross abuse and breach of trust, the accused was the victim's uncle and the impact of the crime on the victim was traumatic.

The accused who is now a convicted person will spend nine years in prison before he is eligible for parole.

Source: *The Fiji Times Online Edition*, available at: <https://www.fjitemps.com/uncle-imprisoned-for-12-years-for-raping-nephew/>

Required:

Write a letter to the Permanent Secretary of Justice expressing your views on the news item in the excerpt above.

In your letter:

- Recommend necessary steps that may be taken to curb such issues; and
- Suggest possible legal reforms.

[10 marks]

Question 2 Legal Maxims

- a) What are legal maxims and explain their use and significance to judges, lawyers and law students?
(5 marks)
- b) Explain the meaning of five (5) legal maxims from the following list:

amicus curiae, animus furandi, assentio mentium, caveat emptor, certiorari, ejusdem generis, habeas corpus, persona non grata, quo warranto, ratio decidendi. (5 marks)

[10 marks]

Question 3

Advocacy is an essential part of the legal profession. Much like delivering speeches, one has to consider a number of factors in legal advocacy.

Write an essay addressing the above statement. In your writing, highlight the differences in "ordinary" speeches and legal advocacy. Also, address the factors the statement is referring to.

[10 marks]

Question 4

PLYMOUTH, England — Many billion-dollar companies in the world have pledged to help mitigate the effects of climate change, from banning plastic packaging to donating a portion of their sales to the Earth's conservation.

But Greta Thunberg, the 16-year-old climate activist from Sweden, told Business Insider that none of them are doing enough to save the planet...

Here's how some major companies are trying to fight climate change:

- Patagonia has pledged to donate 1% of its sales to helping conserve the planet. Earlier this year it also stopped selling its apparel to companies that don't align with its environmental values, which included multiple large banks and fintech startups.
- IKEA plans to remove all single-use plastic from its global home furnishing range by next year, and to use only renewable or recycled materials in all its products by 2030. You can see all their goals here.
- Similarly, Unilever wants to replace all of its plastic packaging with reusable, recyclable, or compostable materials by 2025.
- Tesla CEO Elon Musk has also stressed the importance of speeding up the "advent of cars powered by electricity made from solar power," like those from his company.

Thunberg was speaking to journalists hours before setting off on her 13-day journey across the Atlantic Ocean from Plymouth, southwest England, to New York.

Source: *Business Insider*, available at: <https://www.businessinsider.com/greta-thunberg-climate-change-no-company-has-good-policy-now-2019-8>

Required:

Summarise the excerpt above in **your own words without changing the meaning of the content**. The main ideas conveyed in the excerpt must be included as part of your summary. You must write between 150-200 words.

[10 marks]

Question 5 Statutory interpretation

With the use of cases:

- a) Explain the meaning and application of these rules: Mischief Rule, Literal Rule, Golden Rule. (5 marks)

- b) Explain the concept of the "intention of Parliament" and its development to the current position or status of the law of interpretation of statutes. (5 marks)

[10 marks]

Question 6

Any person who without lawful authority-

- (a) acquires, supplies, possesses, produces, manufactures, cultivates, uses or administers an illicit drug ; or
- (b) engages in any dealings with any other person for the transfer, transport, supply, use, manufacture, offer, sale, import or export of an illicit drug ;
- commits an offence and is liable on conviction to a fine not exceeding \$1,000,000 or imprisonment for life or both.

The excerpt above has been extracted from legislation.

- a) Explain the purpose of this legislation. (3 marks)
- b) Re-phrase the provision above using simple English without changing its meaning. (5 marks)
- c) Why is it important in the legal profession to express matters in clear and uncomplicated language? (2 marks)

[10 marks]

Question 7 Making of Laws and Parliament

- a) Who is responsible for making laws in Fiji? (1 mark)
- b) How is the authority to make laws exercised and explain in detail the passage of a Bill in Parliament from its introduction to enactment into law? (6 marks)
- c) What are standing orders and how are they created? Comment on their role in regulating or limiting the members rights in Parliamentary deliberations.(3 marks)

[10 marks]

Question 8 Legal texts

- a) Discuss the similarities and differences between a statute, case law, parliamentary speech and legal submission. (6 marks)
- b) What are the important considerations or elements in the preparation of a speech, legal submission or a letter? Explain why they are essential .(2 marks)
- c) What do you understand by the term the "Queen's Speech" and the "President's Address" in the House of Commons (United Kingdom) or in the "Fiji Parliament? What is the customary significance and object of the speech or address? (2 marks)

[10 marks]

End of Paper.