Examinations for 2012 – 2013 Semester I / 2012 Semester II

MODULE: INTRODUCTION TO LAW & LEGAL METHODS

MODULE CODE: LLAW1101

Duration: 2 Hours 15 Minutes
Reading Time: 15 Minutes

Instructions to Candidates:

1. This paper consists of Sections A and B.
2. Section A is Compulsory.
3. Answer any TWO questions from Section B.
4. Always start a new question on a fresh page.
5. Total Marks: 100.

This question paper contains 5 questions and 3 pages.
SECTION A: COMPULSORY

QUESTION 1: (40 MARKS)

(a) Describe the various sources of law that exist. (10 marks)

(b) Describe the various stages that a Bill must go through before it becomes enforceable as a Law in Mauritius. (10 marks)

(c) Explain what you understand by the following legal terms:
   (i) Obiter Dictum (3 marks)
   (ii) Ratio Decidendi (5 marks)

(d) What are the powers, if any, of the Head of State under the Constitution? (12 marks)

SECTION B: ANSWER ANY TWO QUESTIONS

QUESTION 2: (30 MARKS)

(a) With respect to Alternative Dispute Resolution, describe the following mechanisms:
   (i) Negotiation (5 marks each)
   (ii) Mediation
   (iii) Conciliation

(b) What are the advantages of Alternative Dispute Resolution as compared with litigation? (15 marks)
QUESTION 3: (30 MARKS)

(a) Describe the judicial rules of Statutory Interpretation. (20 marks)

(b) What are the internal and external aids of statutory interpretation? (10 marks)

QUESTION 4: (30 MARKS)

(a) What are the essential elements necessary for Judicial Review? (7.5 marks)

(b) What are the grounds whereby a decision may be subjected to Judicial Review? (15 marks)

(c) What are the remedies available in judicial review? (7.5 marks)

QUESTION 5: (30 MARKS)

(a) How are contracts classified? (10 marks)

(b) What are the essential elements for a valid contract as stipulated by article 1108 of the Civil Code (CCM)? (10 marks)

(c) How can consent be vitiated in relation to contracts? (10 marks)

(You may attempt this question in French)

***END OF QUESTION PAPER***