

**COUNCIL OF LEGAL EDUCATION  
NORMAN MANLEY LAW SCHOOL**

**LEGAL EDUCATION CERTIFICATE  
FIRST YEAR EXAMINATIONS, MAY 2021**

**LEGAL DRAFTING AND INTERPRETATION**

**THURSDAY, MAY 20, 2021**

**Instructions to Students**

- (a) Duration: **24 hours**
- (b) Students shall enter their Examination ID Number **only**, not their names, on the cover page, the Academic Integrity Statement and on every separate page of the examination script.
- (c) The examination should be answered on letter-sized (8.5 x 11) paper only.
- (d) The examination should be submitted in Arial font 12 line spacing 1.5.
- (e) Students should clearly indicate the names of any cases with the citation and legislative provision/s (section number and Act) on which they rely to support their arguments. Consider using italics and/or bold text to make references prominent. (For example, *Rylands v Fletcher* [1868] UK HL1; **s.69 Real Property Act**). Sufficient detail is required to allow the examiners to understand the source of law that is being cited.
- (f) Footnotes, endnotes and bibliography are not to be used.
- (g) Where word limits have been given, the actual word counts must be included at the end of your answer. Students who have exceeded the word limits will be penalised.
- (h) Students shall number the pages of their examination script as follows: Page 1 of 12, Page 2 of 12, etc.
- (i) In answering any Part, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **but must state at the beginning of the answer the name of the relevant territory.**
- (j) Each Student **must** ensure that their Anonymous ID in TWEN is changed to their four digit Examination ID Number, prior to submitting their examination script.
- (k) The examination script, with the cover page and Academic Integrity Statement saved in **ONE PDF DOCUMENT**, must be submitted in

**ELECTRONIC** format via the **Year I MAY 2021 EXAMINATIONS, LEGAL DRAFTING AND INTERPRETATION DROP BOX on TWEN** by **Friday, May 21, 2021** **NOT LATER THAN** 9:00 a.m. (Jamaica) 8:00 a.m. (Belize) and 10:00 a.m. (Eastern Caribbean).

- (l) To upload the examination script which has been saved as one pdf document which includes the cover page and Academic Integrity Statement, you must follow these steps:
- Go to ***www.lawschool.westlaw.com***.
  - Log in using your username and password credentials and select the **TWEN** button.
  - Click on the link for **“Assignments and Quizzes”** located on the left-hand side of the navigation screen.
  - Select the relevant examination and the examination drop box as follows:
    - Year I students with Examination ID numbers between 1100 -1192 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box A Year I - 1100-1192”**.
    - Year I students with Examination ID numbers between 1193 -1283 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box B Year I - 1193-1283”**.
    - Year I students with Examination ID numbers between 1284 -1376 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box C Year I - 1284-1376”**.

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## **ANSWER PARTS A AND B**

### **PART A**

1. The Animal (Care and Protection) Act (“the ACPA”) was enacted against the background of growing disquiet in your jurisdiction concerning the high incidence of cases of animal abuse. Particularly shocking were reports of abuse by persons interacting with animals in an official capacity, for example employees in animal shelters and the local zoo.
2. As a result, before the passage of the ACPA, the Government and some civil advocacy groups collaborated to mount a massive public education campaign, designed to sensitise different interest groups on the need to build empathy towards the animal world. There were also several opinion pieces in newspapers,

and articles by animal rights experts in other media, urging personal attitudinal change to the plight of animals.

3. The ACPA covers its broad subject matter under different themes. Under section 36, no person may use an animal for the purposes of teaching any science, or conducting research, unless he applies for and obtains a licence from the Scientific Research Board (“the SRB”). The SRB falls under the portfolio of the Ministry of Science and Technology.

4. Section 37 of the ACPA provides as follows:

*“37. In evaluating whether to grant or refuse an application for an animal teaching or research licence, the Scientific Research Board shall have regard to -*

*(a) the suitability of the applicant to be granted a licence;*

*(b) the adequacy of the applicant’s proposed premises and facilities for the care and handling of animals;*

*(c) the adequacy of the proposed arrangements for the provision of veterinary care for the animals to be used under the licence; and*

*(d) such other matters as may be prescribed by Regulations.”*

5. There is no definition of the word “suitability” in the ACPA, as appears in section 37 (a), nor any other clear indication in the Act as a whole as to the meaning of that word.

6. No further criteria have been prescribed by Regulations under section 37(d).

7. After the ACPA was tabled in Parliament as a Bill, there was active debate among the Government and Opposition representatives on certain provisions. The Minister of Science and Technology, who piloted the Bill, was aggressively questioned on the factors to be taken into account when applications for animal teaching and research licences were being reviewed. In the course of his response to the questions, the Minister was officially recorded as stating:

*“Of course, on the matter of suitability, apart from the obvious considerations (applicant’s qualifications and experience), persons seeking these licences should be fit and proper persons. Questions of character must, of necessity, loom large here. Just to give some examples, applicants cannot have past convictions for animal cruelty, for fraud or dishonesty, or for drugs trafficking. But beyond that, I think I would be prepared to go out on a limb to say that any conduct at all which brings them into disrepute would be grounds for denial of a licence.”*

8. Dr Bob Cray is a marine biologist who is highly respected in his field, both locally and internationally. He is widely known to be sensitive to the needs of the animal species, and he gives selflessly of his time and energies to educate school and other groups on their personal responsibility towards animals.
9. Cray also has a reputation in the local scientific community for excessive alcoholic consumption, on the odd occasion. At such times, he sometimes makes inappropriate comments which cause substantial embarrassment to colleagues in his company. While he has never become drunk publicly, there are some of his peers who feel that his conduct is professionally unbecoming.
10. Cray desires to establish a marine research centre, with a particular focus on studying stingrays and manta rays which frequent the territorial waters of your jurisdiction. He has approached a number of his colleagues, who have enthusiastically expressed their willingness to act as research staff at the centre, if the project is approved.
11. Stingrays and manta rays fall within the definition of “animal” under the ACPA. Accordingly, Cray applied to the SRB in April 2021 for an animal research licence. Members of the SRB, all scientists, have no issue with Cray’s academic and professional credentials, and the other criteria indicated under section 37 (b) and (c) of the ACPA. However, some members are troubled by what they regard as Cray’s occasional unacceptable behaviour, and the Board is therefore divided as to how the SRB’s duties under section 37 (a) of the ACPA should be exercised.

You are the SRB’s Legal Officer. The Chairman of the SRB has, by way of memorandum, referred the matter to you for legal advice.

**Required:**

Review the matter carefully and advise the Chairman on how to proceed.

**PART B**

The facts of PART A remain the same EXCEPT as indicated below:

- (i) Paragraph 4 of PART A is modified, in that section 37(a) of the ACPA now provides:

*“37. In evaluating whether to grant or refuse an application for an animal teaching or research licence, the Scientific Research Board shall have regard to -*

*(a) the applicant’s reputation, experience, academic qualifications and publication record;*

- (b) ...
- (c) ...
- (d) ...”

(ii) The marginal/side note to the modified section 37 reads:

*“Reputation and other factors in assessing application”*

(iii) Paragraph 5 of PART A is deleted and replaced by the following:

“5. There is no definition in the ACPA of the word “reputation”, as appears in section 37(a), nor any indication from provisions of the ACPA, apart from section 37, as to the meaning of that word. ”

(iv) Paragraphs 7 of PART A does not apply to this Part.

**Required:**

Prepare the response to the Chairman of the SRB based on these altered facts.

**Note:**

Your answer to PART A should not exceed **2,600 WORDS** and PART B **1,400 WORDS**.

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**END OF PAPER**