

COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
FIRST YEAR SUPPLEMENTARY EXAMINATIONS 2025

LEGAL DRAFTING AND INTERPRETATION

(FRIDAY, AUGUST 8, 2025)

Instructions to Students

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) In answering any question, 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.**
- (d) It is unnecessary to transcribe the questions you attempt.
- (e) Answers should be written in black or dark blue ink. Erasable pens are not allowed.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 1

In recent times, there has been much debate and anxiety in your jurisdiction due to the emergence of political activist groups which adopt a strong anti-immigration policy. One of these groups is WeOne (WO), a registered non-profit organisation, led by three senior lecturers at a technical college in the capital (WO's leaders).

Matters came to a head in April 2025 when some local youth were viciously attacked by unknown assailants. As police continued their investigations into the assault, rumours began to circulate that the perpetrators were foreign nationals, to whom the Government had granted asylum in your jurisdiction.

These rumours sparked outrage among some local citizens, including WO's leaders. In May 2025, WO hastily released a newsletter which linked the April 2025 assault "by these foreigners" to the increasing levels of crime and other societal ills being experienced in recent years. The newsletter was distributed in streets across the jurisdiction.

The newsletter also summoned WO's supporters to a special march to be held on June 1, 2025, starting from Freedom Square in the capital. On June 1, the leaders and some supporters bore placards reading, "REFUGEES OUT" and "THIS IS OUR COUNTRY".

WO's leaders then led the crowd on a march to the Mercy Refugee Centre (MRC), a Government facility on the outskirts of the capital, which housed asylum seekers from multiple countries.

The crowd, with WO's leaders in front, arrived at the MRC in a boisterous mood, chanting and waving the placards. No weapons were brandished, but some supporters circled the building, seeking points of entry. MRC's security guards barricaded the facility, with refugees and staff being forced to rush to the second floor for safety. The refugees were already 'on edge', having heard of the circulation of the newsletter in May.

The police then arrived at the scene, dispersed the crowd and detained WO's leaders for questioning. Later, the police publicly announced that they had the key suspects in the April 25 attack in custody, all of whom were local nationals, contrary to the earlier rumours.

Several refugees at the MRC (the refugees), having been traumatised by the events of June 1 and the earlier newsletter, are seeking legal advice as to what recourse they might have against WO's leaders. The refugees have approached the law firm to which you are attached, and the file has been passed to you.

Your research has led you to the Anti-Discrimination Act 2015 (the ADA), the relevant provisions of which are set out below:

The Anti-Discrimination Act 2015

...

17(1) In this section –

“act of racial victimisation” means any public act inciting hatred, contempt or severe ridicule of a person or group of persons on the basis of their race, but does not include

–

(a) publication of a fair report of the act of another person; or

(b) any reasonable act, done in good faith, for academic, artistic, scientific or research purposes.

“harm” means injury, emotional distress, damage or loss;

“race” of a person means the nationality, country of origin, colour or ethnic origin of the person.

(2) A person who carries out an act of racial victimisation is liable in damages for harm suffered by another person as a consequence of that act.

You are to assume that there is no other provision under the ADA, or the interpretation legislation of your jurisdiction, relevant to a resolution of this matter.

Prepare a legal opinion, addressed to Ms Jean Fell, a partner at the firm, assessing whether the refugees have any viable claim against WO's leaders under the ADA, based on the given facts.

Note:

For the purposes of this examination, your opinion need not include the customary statement of material facts.

QUESTION 2

Winona Ande secured employment with broadcaster, Supremo Radio Limited (SRL), as a radio sports presenter on the popular “Sports Light” programme in your jurisdiction. Her contract of employment is for a fixed period of two years, commencing on January 1, 2024 and ending on December 31, 2025, and provides a competitive remuneration package.

Other relevant terms of the contract are set out below:

“ ...

SERVICES

4.1 You are engaged by Supremo Radio Limited (SRL) as the presenter of the Sports Light Programme (“the Programme”). You agree to present the Programme on Tuesdays and Saturdays (“the broadcast days”) of each week during the contract period.

4.2 You shall render your exclusive services to SRL on the broadcast days during each week of the contract between the hours of one and five o’ clock in the afternoon, and at such times SRL shall have first call over your services.

4.3 You shall not present a programme of similar format or content to the Programme, nor shall you engage in any activity as a presenter or otherwise which conflicts with your engagement or duties as a presenter of the Programme during the contract period.

4.4 You shall carry out all your obligations under this contract conscientiously and to the best of your skill and ability and at the times indicated above.

...”

In the summer of 2024, a new radio broadcaster, Cheer Up People (CUP), was established and has been attracting rave reviews. The operators of CUP have been trying to coax Ande to leave

SRL and join their sports broadcasting team. Ande was initially hesitant, but since June 2025 she has been involved in exploratory discussions with CUP regarding her employment there, on termination of her contract with SRL.

On Saturday, July 5, 2025, Ande advised her supervisor at SRL that she was ill and could not present the Sports Light Programme scheduled later that day. Ande was in fact in good health and spent that afternoon in advanced negotiations with CUP for employment by that company.

SRL has now learnt of the dealings between Ande and CUP, and has referred the matter to you, its in-house legal adviser. You are in possession of all the relevant facts abovementioned.

Prepare a legal opinion advising Tim Chef, Managing Director of SRL, whether Ande has breached her contract with SRL, and if so, in what respect(s).

You are to assume that the contract is valid in all respects.

Note:

For the purposes of this examination, your opinion need not include the customary statement of material facts.

QUESTION 3

In a bold social intervention a couple of decades ago, the government introduced measures to revitalise certain inner-city areas which had long been blighted by crime and unemployment. Among the measures adopted was the offer of refurbished housing to residents for rental on concessionary terms. The Housing (Regeneration) Act ("the HRA") was enacted to govern the rental scheme.

Section 58 of the HRA provides that on the death of any tenant under the scheme, "a member of the immediate family" may succeed to the tenancy, once certain conditions are satisfied.

There is no specific definition of "member of the immediate family" under the HRA, and there are conflicting suggestions as to the scope of the term on a reading of the statute as a whole.

Ben Vate was a tenant under the HRA at the time of his death in May 2025. His aunt, Willa Thue, had come to live with him and his two children after the death of his wife, when the children were babies. Thue had nurtured the children as her own over several years, and had been a bedrock of support to the family during Vate's final illness, which lasted over a year. Thue is desirous of continuing Vate's tenancy in her own name.

The administrators of the tenancy scheme at the Housing Department are sympathetic to Thue's position, but take the view that she does not qualify for purposes of succession to the tenancy, within the meaning of the HRA. In their view, the expression "a member of the immediate family" should be construed narrowly to cover a tenant's spouse and children, and perhaps a formal guardian of the children, which Thue was not.

Distressed, Thue consults you as to her options. In your research into the background to the HRA, you come across the Hansard Report recorded during the Parliamentary debate leading to the passage of the HRA. You note that the Minister of Housing and the Environment, in introducing the Bill, spoke passionately about:

- (a) the new era that the legislation would usher in for tenants with previously unsatisfactory housing arrangements; as well as
- (b) the "rights of those loved ones" who were an integral part of the tenant's family unit.

Advise Thue whether there is any legal basis on which to challenge the position taken by the Housing Department.

Note:

For the purposes of this examination, your opinion need not include the customary statement of material facts.

END OF PAPER