

COUNCIL OF LEGAL EDUCATION  
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE  
FIRST YEAR EXAMINATIONS 2026

LEGAL DRAFTING AND INTERPRETATION

(MONDAY, MAY 4, 2026)

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.

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**PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.**

## QUESTION 1

Section 14 of the Firearms (Regulation and Control) Act (“the FRCA”) reads as follows:

*14 (1) No person shall deal in, exchange or possess a firearm unless he is the holder of a valid firearms certificate issued by the Ministry of Justice and National Security.*

*(2) A person who contravenes subsection (1) commits an offence and is liable to the penalties set out in the Second Schedule.*

Section 2 of the FRCA, so far as relevant, is in these terms:

*2 (1) In this Act –*

*...*

*“firearm” means any lethal, barrelled weapon that is designed or adapted for the discharge of a shot, bullet or other missile”;*

*...*

*(2) Notwithstanding the definition of “firearm” under subsection (1), any of the following devices shall be deemed to be a firearm for the purposes of this Act:*

*(a) an air rifle;*

*(b) an antique gun or replica gun; or*

*(c) a weapon, of whatever description, that discharges or emits any harmful substance or matter.*

There is no definition under the FRCA of any of the words used in section 2(2) (a), (b) or (c) of that Act. Further, no clear guidance on the meaning of these words can be derived from examining other provisions of the Act, or the background to the introduction of the legislation.

Lee Dyer is an avid sports enthusiast who lives in the Bentley district of your jurisdiction. He is actively involved in his community gun club, known as the Bentley Rifle Association (“the BRA”), of which he is the President. The BRA is duly registered with the authorities, and club members have been duly issued the relevant firearm certificates.

While visiting Florida in the United States of America recently, Dyer attended a gun exhibition at which certain stun guns were on display. On inquiry, he learnt that individuals could legally own these devices in the state of Florida. He also discovered that the “SHOCKER XXY” brand of stun gun is capable of releasing a low-voltage electrical current which has the effect of disabling an attacker for up to 30 minutes, but leaving no permanent physical damage. This stun gun has no barrel. Impressed by the features of this device, Dyer purchased a “SHOCKER XXY” and brought it back to your jurisdiction.

In April 2026, the BRA hosted a weekend of activities, which were open to the public. During the events, Sergeant Reddie and a team of police officers went to the BRA’s headquarters, acting on information that illegal activities were being carried out. During a search, Reddie discovered the SHOCKER XXY device in Dyer’s trousers, and arrested him, upon learning that he did not have a firearm certificate for the stun gun. Dyer was later charged for illegal possession of a firearm, contrary to section 14 of the FRCA.

Dyer’s file has come before the Director of Public Prosecutions/Attorney General (“DPP/AG”) in your jurisdiction. He has passed the file to you, a legal officer in the DPP/AG’s department, requesting that you prepare a memorandum to him on whether the stun gun properly falls within the purview of the FRCA.

**Required:**

Review the facts of the case and prepare the memorandum to the DPP/AG.

**NOTE: For the purposes of this examination, your response need not include a statement of material facts.**

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**QUESTION 2**

In recent years, there has been an increasing incidence of vandalism of public monuments in your jurisdiction, with alarming cases of statues, buildings and other structures being destroyed or severely damaged by criminal elements. In a decisive move designed to combat these

developments, the Government enacted the National Heritage (Preservation) Act (“the NHPA”) in 2023.

The object of the NHPA, as indicated above, is evident in the actual provisions of the legislation, read as a whole.

Section 25 of the NHPA provides as follows:

*25. It is an offence for a person to intentionally wreck, mangle or mutilate, or otherwise spoil the appearance of, a protected object or a protected structure.*

As a deterrent to prospective offenders, sanctions under the NHPA are deliberately harsh, including imprisonment for more severe breaches.

Karl Porr is an unemployed young adult who has become disillusioned with his prospects for social mobility. He blames political leaders, past and present, for the economic state of the country and his current plight. Embittered, Porr entered a national park on March 15, 2026 and placed oversized, distorted paper masks on the heads of three statues of National Heroes, all former political leaders, intending to publicly degrade their memory.

His actions made the statues look unsightly, and several visitors to the park expressed their disgust at what they saw.

Porr was apprehended in the park and the masks removed. Fortunately, there has been no resulting physical damage to the statues, which are all designated as “protected objects” under the NHPA. The authorities, desiring to deter “copycat” actions, quickly charged Porr for intentionally spoiling the appearance of protected objects, namely the three statues, contrary to section 25 of the NHPA.

Porr is being represented at the upcoming trial by the Urban Legal Aid Centre (“the Centre”). His file had initially been handled by an intern, who is no longer at the Centre. The intern had written a file note, an extract of which appears below:

*Porr does not have any realistic grounds for a defence. While his conduct does not fall within the class of severity of the specific actions mentioned in section 25, it cannot be*

*argued that he did not “otherwise spoil the appearance” of these statues; applying that general phrase, the statues were by his deliberate actions made to look ugly.*

*He's guilty as charged, which is regrettable, due to the potentially heavy penalties under the NHPA.*

You are an attorney-at-law attached to the Centre. Susan Pact, the Director of the Centre, has now passed Porr's file to you, with instructions to review the intern's file note, in light of all the facts, and prepare an opinion on whether Porr was properly charged for the offence.

Your research uncovers the following further details:

(a) Section 2 of the NHPA sets out these relevant definitions:

(i) “mangle” means “to destroy or seriously damage by tearing or crushing”; and

(ii) “mutilate” means “to so severely damage something that its original form is difficult to discern”.

(b) Neither the remaining provisions of the NHPA, nor the Interpretation legislation, provides any guidance on the meaning of the phrase “otherwise spoil the appearance of”, used in section 25 of the NHPA.

(c) When addressing the subject of “protected objects” and “protected structures”, several other sections of the NHPA emphasise the risk of exposure to serious or ruinous damage, whether expressly or by implication.

(d) There are separate pieces of legislation which criminalise acts of interference with public property, with penalties for breach being significantly lower than those under the NHPA.

**Required:**

Prepare the opinion, to be addressed to the Director of the Centre.

**NOTE: For the purposes of this examination, your response need not include a statement of material facts.**

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### **QUESTION 3**

Peter Kane is an 18-year-old prankster who thrives on his ability to outwit law enforcement authorities. His last target was the Premium Park, located in the city centre, which contains some impressive monuments in honour of iconic leaders of society. One day in February 2026, Kane entered the park when there were few persons around, and sprayed graffiti on several monuments, intending to publicly ridicule the leaders. The graffiti, while not permanently damaging the monuments, will be difficult to remove.

Kane was accosted by a constable and ultimately charged for violating section 39 of the Parks (Regulation) Act (“the PRA”). Section 39 of the PRA reads as follows:

*39. It is an offence for a person to wilfully deface a monument within the precincts of any park.*

Premium Park is classified as a park under the PRA.

Section 39 of the PRA is among a cluster of penal provisions between sections 35 and 42 of that Act which impose, in some cases, very heavy penalties, and in others, lighter sanctions, for violation of their terms.

Kane has been referred to the Legal Aid Centre for legal representation. You are a recent employee of the Centre, and the Director has assigned Kane’s matter to you, with instructions to prepare a memorandum to him on the prospects for a successful defence against the charge.

Your research uncovers the following:

- (i) There is no definition of the word “deface” under the PRA, nor does the Act as a whole clarify the scope of its meaning.
- (ii) A leading dictionary defines “deface” as capable of bearing the following meanings: (a) “to ruin, wreck or destroy”; and (b) “to vandalise, distort or spoil the appearance of”.

- (iii) The Government-appointed National Heritage Board (“the Board”), which spearheaded the initiative to propose legislation to protect parks, had made recommendations for legislative change.
- (iv) In its report, the Board had emphasised the urgent need to actively promote the memory of national leaders, and to take strong measures to preserve the dignity and honour of such leaders against acts of vandalism causing damage or destruction to monuments or other cultural representations, or tending to discredit their memory.
- (v) The Board’s report was ultimately accepted by the Government and tabled in Parliament, and its recommendations formed the underpinning of the PRA when enacted.

**Required:**

Paying due regard to all of the above developments, prepare the memorandum requested by the Director of the Legal Aid Centre.

**NOTE: For the purposes of this examination, your response need not include a statement of material facts.**

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