

TEACHERS COLLEGE OF JAMAICA

BACHELOR OF EDUCATION

MAY 2022 EXAMINATIONS

COMMON PAPER

PHYSICAL EDUCATION

**LEGAL ASPECTS OF SPORT AND PHYSICAL EDUCATION
(PE403SEB)**

YEAR 4

SECONDARY

TIME: 2 ½ HOURS

**INSTRUCTIONS: Candidates are required to answer ALL questions in Section A. In
Section B answer question ONE and TWO other questions.**

DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO.

SECTION A – (30 marks)

Answer ALL questions in this section.

1. What does the term *Dolle Incapax* mean? (2 marks)
2. What is an accessory after the fact? (2 marks)
3. Explain what is meant by an *arraignment*. (2 marks)
4. Outline the THREE categories of torts. (2 marks)
5. Outline THREE ways in which a contract can be discharged. (2 marks)
6. Define the term *criminal nuisance*. (2 marks)
7. What is *nulla poena sine lege maxim*? (2 marks)
8. List THREE Jamaican Courts at the Parish Court level. (2 marks)
9. What is *common law*? (2 marks)
10. What is meant by *Facility Liability*? (2 marks)
11. Explain what is meant by the term *contract remedies*. (2 marks)
12. Explain the term *Vicarious Liability*. (2 marks)
13. Who is a Juvenile Offender? (2 marks)
14. Outline THREE defences against Negligence. (2 marks)
15. Name THREE groups lacking the capacity to make a valid contract. (2 marks)

SECTION B – (70 marks)

Answer question ONE and any other TWO questions from this section.

1. Millennium Ltd., a large sports department store advertises a price promise in a local newspaper. This states that if any customer buys from them and, within 28 days notifies them (truthfully) in a letter that the same goods are on sale at a lower price in another local shop they can have the entire purchase price returned to them.

On June 1, McKoy buys a tennis racket from the store for \$49.99. On June 27, McKoy posts a letter, truthfully explaining that the same tennis racket is on sale at another shop for \$49.89. McKoy's letter arrived on June 30. McKoy insists that he is entitled to all, of his money back but Millennium Ltd., refuses to refund any of the purchase price.

Analyse the situation and advise McKoy on his contractual rights.

(30 marks)

2. In the Caribbean Premier League (CPL), the home field for the Jamaican Tallawahs is Sabina Park. In this inaugural cricket competition, held from June through July annually, Christopher Gayle (The Big Unit), the captain of the Tallawahs was at bat and on one occasion in hitting a six (6), Spectator one (1) was struck in the face by the ball and sustained serious injury because his attention was momentarily diverted when he glanced at the cheerleaders who were scantily clad in the stands.

During the same match, Andre Russell, another master blaster for the Tallawahs was at bat, and in hitting a six (6), Spectator two (2) was struck by the ball in his testicles thereby sustaining serious injuries. Spectator two (2) however was standing in the walkway leading from South Camp Road on the Stadium Concourse, as he was about to enter the stadium. Spectator two (2) was not in the stands when he was struck by the errant ball.

Both Spectator one (1) and Spectator two (2) now seeks to file a claim in negligence against CPL (the organizers), Jamaican Tallawahs (one of the franchise holders), and Kingston Cricket Club (the arena operators of Sabina Park).

Advise Spectator one (1) and Spectator two (2) of the likely success of their claim in negligence against all three (3) defendants. (20 marks)

3. Liabilities for injuries and negligent issues by the schools' administration are common concerns in classes and sporting activities. Discuss seven (7) guidelines employed by school boards to address the school's liabilities and the responsibilities of coaches/teachers. (20 marks)

4. A track and field coach is arrested and charged for assault and battery and improper behaviour towards a member of the track team. He is very concerned that if he is found guilty, he might be sentenced to spend the rest of his life behind bars. His legal counsel advised him that his fears are groundless.

State in details what proceeding will be followed in this trial and explain and/or discuss whether his fear of the expected sentencing in court is applicable in this case?

(20 marks)

5. While at a birthday party in Bog Walk, St. Catherine, an eight (8) year old girl was severely injured while playing on a bounce-a-bout (trampoline) with two other children ages nine (9) and ten (10) respectively. The girl was inadvertently and accidentally hit in her face by the nine (9) year old girl and as a result she suffered severe lacerations to her face and damage to her mouth.

Advise the injured girl's parents as to whether they can (a) file a lawsuit and (b) recover damages for the injuries sustained by their child.

(20 marks)

END OF EXAMINATION