

**TEACHERS COLLEGES OF JAMAICA**

**BACHELORS OF EDUCATION**

**MAY 2018 – EXAMINATIONS**

**COMMON PAPER**

**PHYSICAL EDUCATION**

**LEGAL ASPECTS OF SPORT AND PHYSICAL EDUCATION**

**[PE 403SEB]**

**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 any other TWO questions.**

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## SECTION A (45 MARKS)

Answer ALL questions in this section.

1. What does the term *doli incapax* mean? [3 marks]
2. What is an *accessory after the fact*? [3 marks]
3. Explain what is meant by an *arraignment*? [3 marks]
4. Outline the THREE categories of torts. [3 marks]
5. Outline three ways in which a contract can be discharged. [3 marks]
6. Define the term *criminal nuisance*. [3 marks]
7. What is *nulla poena sine lege maxim*? [3 marks]
8. List THREE Jamaican Courts at the Resident Magistrate's (RM) level. [3 marks]
9. What is common law? [3 marks]
10. What is meant by Facility Liability? [3 marks]
11. Explain what is meant by the term *contract remedies*. [3 marks]
12. Define the term *vicarious liability*. [3 marks]
13. Who is a juvenile offender? [3 marks]
14. Outline THREE defences against Negligence. [3 marks]
15. Name THREE groups lacking the capacity to make a valid contract. [3 marks]

## SECTION B

Answer question ONE (1) which is **COMPULSORY** and any other **TWO** questions from this section.

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

Advise Marc as to whether or not he has a contractual right to have the purchase price returned. **(25 marks)**

2. "Ignorance of the law is no excuse!!" What is meant by this statement? Explain the purpose of law in society and outline how a serious offence committed by a minor is administered by the Jamaican Legal System. **(15 marks)**
3. The Caribbean Premier League (CPL) is an annual cricket competition held at Sabina Park in Kingston. Regularly cricket balls are hit into the stands and outside the stadium to signify "six" runs. On one occasion, a ball was hit into the stands by Christopher Gayle, the "master blaster" and captain of the Jamaica Tallawahs, one of the teams in the CPL. Unfortunately Spectator 1 was severely injured by this ball hit by Gayle.

During the same match, Andre Fletcher, another prime batsman for the Jamaica Tallawahs, hit a ball for six runs. However this ball cleared the stands and ended up on the adjoining walkway located on South Camp Road which is adjacent to Sabina Park. Spectator 2 was walking along the sidewalk and was just about preparing to enter the stadium when he was also severely injured by this errant ball.

Both Spectator 1 and Spectator 2 now seek to bring an action against all the parties concerned.

Advise both Spectators as to the likelihood of success of their lawsuit. **(15 marks)**

4. "Sports and Physical Education programs at an institution must adhere to certain precautions and rules to reduce the likelihood of lawsuits and minimize liabilities by teachers and coaches". Discuss this statement. **(15 marks)**

5. While at a birthday party in Bog Walk, St. Catherine, an eight-year-old girl was severely injured while playing on a bounce-a-bout (trampoline) with two other children ages 9 and 10 respectively. The girl was inadvertently and accidentally hit in the face by the 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 file a lawsuit and recover damages for the injuries suffered by their child. **(15 marks)**

**END OF EXAMINATION**