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**THE UNIVERSITY OF BRITISH COLUMBIA
PETER A ALLARD SCHOOL OF LAW**

DECEMBER 2019 EXAMINATION

**LAW 201
CONSTITUTIONAL LAW**

**SECTION 4
PROFESSOR EDINGER**

TOTAL MARKS – 50

TIME ALLOWED – 1 HOUR PLUS 10 MINUTES READING TIME

Note: this is an open book exam. Students may bring in and use their notes and their casebooks.

- 30** 1. The Attorney General of Canada is concerned that some convicted criminals have written memoirs and other such publications while in prison and have made a lot of money from those publications. For this reason, the Attorney General caused the *Criminal Code* to be amended. The *Criminal Code*, as amended, provides, in s. 600, that any person convicted of an indictable offence, who earns any money from the creation of a work of art (defined as a book, article, screenplay or recording) based on the crime or crimes for which he or she has been convicted, is liable to have that money seized by the Crown. The money seized will be paid to victims of crime in the province in which the conviction occurred.

Clifford, in prison for life with no chance of parole for the assaults and murders for which he was convicted by a jury in British Columbia Supreme Court, has been writing a book about those crimes, anticipating that he will be able to support his wife from the proceeds. He is very upset by the amendment and decides to challenge its validity.

The Attorney General of Canada retains you to defend the validity of s. 600. Your argument will be that s. 600 is legislation in relation to s. 91(27) and not legislation in relation to s. 92(13). Draft a memorandum setting out the arguments which you will make.

- 20** 2. Ryan Alford is a member of Faculty at the Bora Laskin Faculty of Law, Lakehead University. He received a law degree (LLB) from the University of South Africa, and graduate degrees from Oxford and New York University. He has been called to the bar in Ontario and in New York state.

Mr. Alford wants to be granted standing to challenge the *National Security and Intelligence Committee of Parliamentarians Act*, SC 2017 c. 15 on grounds that it infringes on Parliamentary privilege (a constitutional issue which may be covered in Public Law). He has published a number of articles on the issue and participated in the Committee hearings relating to the legislation.

Draft the arguments which Mr. Alford must make in order to persuade the court to grant him standing to challenge the *Act*.

END OF EXAMINATION