



UNIVERSITY OF EMBU

2017/2018 ACADEMIC YEAR

SECOND SEMESTER EXAMINATIONS

FIRST YEAR EXAMINATION FOR THE DEGREE OF BACHELOR OF ECONOMICS

GPR 109: LEGAL SYSTEMS & METHODS

DATE: APRIL 9, 2018

TIME: 11:00 AM – 1:00 PM

INSTRUCTIONS:

Answer Question ONE and ANY Other TWO Questions.

QUESTION ONE (30 MARKS)

- a) Outline five classes of people who may be classified as dependents for purposes of the provisions under the Succession Act. (5 marks)
- b) Explain five essentials of a valid contract. (5 marks)
- c) Write explanatory notes on the term “supremacy of the constitution” clearly indicating where it derives its authority. (5 marks)
- d) Identify the factors that may undermine the rule of law in Kenya. (5 marks)
- e) Briefly explain three ways in which property may be acquired. (5 marks)
- f) Illustrate the standard of proof in both criminal and civil cases. (2 marks)
- g) Clearly distinguish between a tort and a contract. (3 marks)

QUESTION TWO (20 MARKS)

- a) Define Statute law and discuss its advantages. (10 marks)
- b) Describe each of the following rules of Statutory Interpretation;
 - i) *Noscitur a sociis*; (3 marks)

- ii) *Ejusdem generic*; (3 marks)
iii) Mischief rule. (4 marks)
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QUESTION THREE (20 MARKS)

- a) Explain the nature and advantages of commercial arbitration as a means of settling disputes. (12 marks)
b) Discuss four defenses which may be offered by a defendant to an action for trespass to a person's property. (8 marks)

QUESTION FOUR (20 MARKS)

- a) Identify and briefly explain the general rules of defenses in the law of Torts. (10 marks)
b) Illustrate the requirements of the Rule in Rylands vs Fletcher. (10 marks)

QUESTION FIVE (20 MARKS)

A will is a declaration made by a person during his lifetime, of his intention concerning disposal of his property after his death. In relation to wills:

- a) Explain the characteristics of a valid will. (3 marks)
b) Describe the formalities of a valid will. (6 marks)
c) Explain the ways in which a will can be revoked. (8 marks)
d) Give details of the duties of a personal representative. (3 marks)

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