



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2011/2012

**SECOND SEMESTER EXAMINATION FOR THE DEGREE OF
BACHELOR OF LAWS**

LPR 104: LEGAL SYSTEMS AND METHODS

DATE: TUESDAY, 17TH APRIL 2012

TIME: 9.00 A.M – 11.00 P.M

INSTRUCTIONS

- 1) Answer question ONE and any other TWO questions
- 2) You will be penalised for failing to answer question one
- 3) Support your answer with relevant case law, conventions and any other relevant references where necessary
- 4) Write neatly and legibly
- 5) Your answer sheet must bear your student registration number

QUESTION 1 (Compulsory)-30 marks

Answer Three (3) Questions in All

Section A: Question 1 is Compulsory.

Answer Two Questions of Your Choice from Section B.

Section A: Compulsory

Question 1

Analyse the case, *Marbury v Madison* 1 Cranch 137 (1803) and its applicability to the Kenyan Legal System (30 marks).

Section B: Answer 2 Questions from this Section (40 marks; 20 marks for each question)

Question 2

In an Appeal Case, the Kenya Court of Appeal in 2011, has to decide whether a private prosecutor has no right of appeal against an acquittal. As legal advisor, do provide your opinion on which cases the court should rely on. How do judicial precedent/*stare decisis*, *ratio decidendi* and *obiter dicta* apply to this problem? (20 marks)

Question 3

- (a) What are the sources of Kenyan law? (12 marks)
- (b) What proposals for regulatory reform can you make for improvements in the workings of the Kenyan Legal System? (8 marks)

Question 4

- (a) Identify and analyse the problems and issues pertaining to the access to legal services in Kenya. (12 marks)
- (b) What solutions will you put forward for rectifying these problems? (8 marks)

Question 5: If you choose Question 5 as your second question in Section B, answer one of the following (that is, one of: 5(a), 5 (b) or 5(c) below):

- 5 (a) Discuss the various aspects of Legal Education in Kenya. (20 marks)
- 5 (b) Discuss the development of the major legal systems of the world as well as the salient features of these systems. (20 marks)
- 5 (c) Outline and discuss the main characteristics of the legal systems of East African Community Countries, with due regard to the similarities and differences between these systems. (20 marks)