



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2008/2009

FIRST SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAW

LPR 104: LEGAL SYSTEMS

DATE: Tuesday 2nd December, 2008

TIME: 2.00 p.m. – 4.00 p.m.

INSTRUCTIONS

Answer question one and two other questions.

1. “ I accept that a system of law requires a considerable degree of certainty and uniformity and that such certainty and uniformity would not exist if the courts were free to arrive at a decision without regard to any previous decision”

Sir Charles Newbold P., *Dodhia v National & Grindlay's Bank Limited and another* [1970] EA 195 p. 199 E. Discuss. **[30 Marks]**

2. Outline the historical development of the common law and equity. **[20 Marks]**

3. Historically, the need for legal services for those unable to pay reasonable fees has been met in part by lawyers who have donated their services or have taken Court appointments on behalf of such individuals. The basic responsibility for providing legal services for those unable to pay ultimately rests with the individual lawyers.

Examine the above statement and explore the need for an efficient and widespread legal aid service in Kenya and make recommendations for a viable scheme. **[20 Marks]**

4. Second year law students at an Australian university belonging to the Law and Technology club have recently set up a web site that gives details of the structure of the court system in countries around the world. The contributions to the web site are mainly from law students at various universities around the world. The site has grown rapidly and has a high number of hits (visits to the site) in a day. This has attracted the attention many organizations willing to place advertisements specifically targeting lawyers on the site.

The organizations are however disappointed to note that the site does not give details of the court system in any African country. They asked the students to update their site to give details of court systems in African countries. The Australian students send you an e-mail asking you to give a detailed description of the existing system of Kenyan Courts for inclusion on their web site.

Provide a brief outline an appropriate description to be included on the web site under the title 'Kenya'. **[20 Marks]**

5. Give a short account of the following and underline their regulatory functions:

- a. The Law Society of Kenya
- b. The Council for Legal Education of Kenya.

Disciplinary procedure for Lawyers.

[20 Marks]

- c.

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