

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LEGAL METHODS, SYSTEMS AND CONSTITUTIONAL LAW – PRB 001

6<sup>TH</sup> JANUARY, 2020

DURATION: 3 HOURS

9.00 AM – 12.00 NOON

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) All questions carry equal marks (25 Marks)
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

**Question One:**

- a) Discuss the Common Law doctrine of *stare decisis* and explain its application in Kenya's legal system. (15 Marks)
- b) Discuss FIVE (5) ways through which a judicial precedent may lose its binding force. (10 Marks)

**Question Two:**

- a) Citing the salient features of each, distinguish between adversarial and inquisitorial judicial systems. (15 Marks)
- b) Distinguish between the common law legal system and the civil law legal system. (10 Marks)

**Question Three:**

- a) With the aid of case law, explain the composition and jurisdiction of the Supreme Court of Kenya. (15 Marks)
- b) Set out the structure and jurisdiction of the Magistrates Courts in Kenya. (10 Marks)

**Question Four:**

Identify the salient characteristics of the Presidential and Parliamentary systems of government and discuss FIVE merits of each system. (25 Marks)

**Question Five:**

- a) Explain the jurisprudential basis of the concept of Supremacy of the Constitution and show the application of that concept in Kenya's constitutional framework. (15 Marks)
- b) Outline FIVE (5) aspects of the concept of "Rule of Law". (10 Marks)

**Question Six:**

- a) Explain FIVE (5) possible meanings of the expression "Sources of Law". (10 Marks)
- b) Discuss FIVE (5) sources of international law. (15 Marks)

---

END