



# KENYA SCHOOL OF LAW

## Project Work (20 Marks)

Term 1 – 2015  
(Classes A, C and D)

Date of Submission: 29<sup>th</sup> May 2015, 3:00pm in both hard copy (to Academics Departments – Gate C) and soft copy (to [mlaibuta@gmail.com](mailto:mlaibuta@gmail.com))

### Instructions:

- Answer all questions
  - Observe page limits
  - Use Goudy Old Style Font (11)
  - Spacing 1.15
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### Question 1 (8 Marks)

Amin Juma is the Cabinet Secretary in charge of Fisheries and Livestock in Kenya. Before his appointment to the Cabinet, Amin had lost the 2013 general elections where he had vied for a Senate seat. As a Member of Parliament before 2013, Amin had been the patron of his constituency's development fund. When the President made his State of the Nation Address a few weeks ago, he also submitted a list from the Ethics and Anti-Corruption Commission that had names of State Officers being investigated and implicated for corruption and embezzlement of public funds. The President ordered all State Officers on the list to 'step aside' until they are cleared by the EACC.

The day after the Presidential address, Amin Juma came across a Blog page that indicated he was one of the Cabinet Secretaries mentioned in the EACC report. He emailed the Blogger who ran the page who in turn sent Amin Juma the EACC report. On perusing the report, Amin had been listed four times:

**One**, that in 1998 when he was Principal of the Kenya School of Fisheries, he had grabbed 100 acres of the School's land situated in Kwale Kenya;

**Two**, that as Member of Parliament, he had embezzled CDF money and had also appointed his family members and friends to the CDF Committee;

**Three**, that as Cabinet Secretary for Fisheries and Livestock he had irregularly awarded tenders worth KES.3 Billion to a Chinese construction firm. On investigations, it was revealed that his daughter Aisha Juma is a majority shareholder in the Chinese company; and

**Four**, that as Cabinet Secretary for Fisheries and Livestock he use Ministry vehicles to ferry construction material to a hotel he was building illegally on protected wetlands.

Following his mention in the EACC list, Amin is not sure what decision he needs to make. He comes to your chambers indicating that no allegations had ever been made against him, that he has not been informed of any charges against him and that the EACC list was meant to finish him politically. He also indicates that he has a dossier that can prove corruption within the Jubilee government.

With the above information, draft the following:

- a.) A research outline for the matter, (**Maximum two (2) A4 pages**) and
  - b.) A legal opinion to Amin Juma on his rights, obligations, possible legal action against him and any legal options that may be available to him. (**Maximum four (4) A4 pages**)
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### **Question 2 (8 Marks)**

Critically analyse the case of **The Lord McAlpine of West Green and Sally Bercow [2013] EWHC 1342 (QB)** (attached) and draft:

- a.) A case brief (**Maximum four (4) A4 pages**).
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### **Question 3 (4 Marks)**

‘For Relief of His Majesties good Subjects against causelesse and unjust Suits and for the better enabling them to recover their just Rights Be it enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Co[m]mons in this present Parliament assembled and by the Authority of the same That from and after the Five and twentieth Day of March which shall be in the Yeare of our Lord One thousand six hundred ninety and seven where several Persons shall be made Defendants to any Action or Plaint of Trespasse Assault false Imprisonment or Ejectione firme and any one or more of them shall be upon the Tryal thereof acquitted by Verdict every Person or Persons so acquitted shall have and recover his Costs of Suit in like manner as if a Verdict had been given against the Plaintiff or Plaintiffs and acquitted all the Defendants unlesse the Judge before whom such Cause shall be tryed shall im[m]ediately after the Tryal thereof in open Court certifie upon the Record under his Hand that there was a reasonable Cause for the making such Person or Persons a Defendant or Defits to such Action or Plaint.’

**Draft the above in plain English.**