

KENYA SCHOOL OF LAW



EXAMINATION FOR ADMISSION TO
THE ROLL OF ADVOCATES

LEGAL WRITING AND DRAFTING – ATP 103

24TH JULY, 2014

DURATION: 3 HOURS

Instructions to Candidates

- (a) Candidates should attempt FOUR questions
- (b) Answer **one question from each section and a fourth one from any of the three sections**
- (c) All questions carry fifteen (15) marks each
- (d) Marks may be lost for illegibility

PLEASE TURN OVER

SECTION A

QUESTION 1

Edit the following passage to eliminate passive constructions.

(15 marks)

The feature paper was presented by John Smith. He argued that capital punishment is wrong because it is not applied uniformly by the state. Minorities and the poor are sentenced to death more frequently than whites or the rich. In addition, proper legal counsel often cannot be afforded by the poor. The only way these inequalities can be eliminated is for capital punishment to be abolished by our legislatures.

QUESTION 2

Edit the following paragraph to use fewer words and to provide coherence.

(15 marks)

It is obvious that the defendant is guilty of the crime of murder he is accused of. First, a number of witnesses saw him run from the scene of the crime in a quick manner. Second, his fingerprints were found on the gun that was used for the murder by the police. Third, tests showed that he had recently fired a gun within the last six hours. Finally, he could not produce an alibi that showed he was elsewhere at the time the murder was committed. Based on these facts, the defendant should receive a conviction from the jury.

SECTION B

QUESTION 3

John Smith is a British citizen who has lived in Nairobi for 10 years. He lives in the Karen – Hardy area and is a Professor at Catholic University. His address is P.O. Box 222X-00100 Nairobi. He recently lost his passport No. b26795, resident ID No. 11497 and driving license in a mugging incident along Langata Road. He lost the documents on 2nd June, 2014. He reported the matter to the police on 14th June, 2014 and was issued an abstract. He wishes to replace all his lost documents.

Draft an affidavit that would enable him replace his resident's ID.

(15 marks)

QUESTION 4

Musa Mpole is a Member of the County Assembly (MCA) for Kericho County. Musa heads the Public Accounts Committee at the County Assembly. Musa Mpole before being voted in as an MCA was a 'boda boda' trader on the Kericho – Kisii highway. He dropped out of Form 3 ten years ago. He has approached you seeking legal advice on how he may move to impeach the Kericho Governor. He alleges that the Governor has breached public procurement laws by awarding tenders to a private company that belongs to his cousin. He has also hired staff without due procedure. Musa also claims that KES. 5,000,000.00 is missing from the County Executive Accounts. Musa thinks these are grounds enough to move a motion to impeach the Governor.

- a.) Outline the research strategy you would adopt on the above matter. (5 marks)
- b.) Address a legal opinion to Musa Mpole on his legal options and the procedure he must follow to impeach the Governor. (10 marks)

SECTION C

QUESTION 5

Discuss the structure of a Bill. Support your answer with very clear legislative sentences as examples. Each aspect must be supported by a legislative sentence.

(15marks)

QUESTION 6

Section 15 of the Parliamentary Service Act, 2014 provides;

"15. The Conduct of business and affairs of the Commission shall be as set out in the Second Schedule"

NB: "Commission" means the Parliamentary Service Commission established under Article 127 of the Constitution of Kenya 2010.

Draft the requisite Schedule.

(15 Marks)