

THE KENYA SCHOOL OF LAW



CONSOLIDATED APAPER – NEW PRE-BAR EXAMINATION

8TH FEBRUARY, 2021

DURATION: 4 HOURS

9.00 A.M – 1.00 P.M

Instructions to Candidates

- (a) Answer **ALL** Questions.
- (b) Each Question carries **20 Marks**.
- (c) Marks shall be lost for illegible handwriting.

PLEASE TURN OVER

Question One

Discuss the genesis and evolution of the twin concepts of common law and equity and show the extent to which the two are sources of law in Kenya.

(20 marks)

Question Two:

(a) Giving specific examples, distinguish between the principle of sovereignty of parliament and the concept of supremacy of the constitution.

(10 Marks)

(b) Explain the meaning of federal and unitary constitutions and attempt a categorization of Kenya's 2010 constitution in the context of those two constitutional schemes.

(10 marks)

Question Three:

a) Explain three remedies available to the defendant in an action for nuisance.

(10 marks)

b) Distinguish between Contributory negligence and *volenti non-fit injuria*.

(10 marks)

Question Four

a) Identify and explain 5 remedies to a breach of contract.

(10 marks)

b) Using relevant case law explain the element of consideration in contract.

(10 marks)

Question Five:

"The defence of insanity and intoxication are tenuous before Kenya's Courts" Anonymous. With the aid of case law, discuss this statement

(20 marks)

END