

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LEGAL METHODS, SYSTEMS AND CONSTITUTIONAL LAW – PRB 001

8<sup>TH</sup> FEBRUARY, 2021

DURATION: 3 HOURS

9.00 AM – 12.00 NOON

**Instructions to Candidates**

1. Answer Question **ONE** and any other **THREE** Questions
2. All questions carry **25 Marks**
3. Marks shall be lost for illegible handwriting

PLEASE TURN OVER

Question One:

- a) Discuss five (5) advantages of legislation as compared to judicial precedent. (15 Marks)
- b) Explain the legal mechanisms available for legislative and judicial control of delegated legislation. (10 Marks)

**Question Two:**

- a) Explain five (5) shortcomings of the common law that necessitated the advent of equity. (15 marks)
- b) Assess the relevance of African Customary Law as a source of law in Kenya today in light of the conditions for its applicability as set out under section 3(2) of the Judicature Act (Cap. 8, Laws of Kenya). (10 marks)

**Question Three:**

- a) Outline the salient characteristics of the common law legal system. (10 Marks)
- b) Discuss five (5) statutory aids in interpretation of legislation. (15 Marks)

**Question Four:**

- a) Explain the concept of independence of the judiciary and outline five (5) pillars that underpin that concept. (15 marks)
- b) Discuss the concept of “constitutionalism” as understood in legal scholarship. (10 marks)

**Question Five:**

- Giving specific examples, discuss five (5) ways of classifying constitutions. (25 Marks)

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END